

David Zvi Hoffmann's  
*Die Wichtigsten Instanzen gegen die  
Graf-Wellhausensche Hypothese*  
("The main arguments against the  
Graf-Wellhausen hypothesis")

An annotated translation and introduction

Submitted by: Carla Sulzbach  
Student Number: 8916387  
Department of Jewish Studies  
McGill University, Montreal  
September 1996

A thesis submitted to the Faculty of Graduate Studies and Research  
in partial fulfilment of the requirements of the degree of  
Master of Arts

© Carla Sulzbach 1996



National Library  
of Canada

Acquisitions and  
Bibliographic Services Branch

395 Wellington Street  
Ottawa, Ontario  
K1A 0N4

Bibliothèque nationale  
du Canada

Direction des acquisitions et  
des services bibliographiques

395 rue Wellington  
Ottawa (Ontario)  
K1A 0N4

*Author - Votre référence*

*Owner - Votre référence*

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-612-19919-3

Canada

## *Abstract*

It is the aim of Part I of this thesis, the Introduction, to introduce David Zvi Hoffmann (1843-1921) in his capacity of a Bible scholar and a critic of 19th century German biblical criticism. Ample attention will be devoted to Hoffmann's own background, his German environment as well as that of Wellhausen. This will cover Sections I and III of the Introduction respectively. In order to be able to place Hoffmann's work within the proper context, Section II of the Introduction will explore the history of the general critical reception of the Hebrew Bible in the various cultures and eras where it played a role as well as its interaction with intellectual developments. Part II contains an annotated translation of Hoffmann's attack on Wellhausen's "documentary hypothesis."

## *Résumé*

La Partie I de ce thèse, en effet l'Introduction vise à présenter David Zvi Hoffmann (1843-1921) en qualité de docteur de la Bible et critique de la critique sur la Bible en Allemagne dans le 19<sup>e</sup> siècle. Les Sections I et III de l'Introduction couvriront amplement la vie de Hoffmann en Allemagne également comme cela de Wellhausen. La Section II de l'Introduction explorera l'histoire de la réception critique en général de la Bible Hébreue dans les plusieurs cultures et époques également comme son interaction avec les développements intellectuels. Ça c'est nécessaire afin de comprendre le context de Hoffmann et Wellhausen. La Partie II contient une traduction annotée de la livre de Hoffmann sur sa lutte contre Wellhausen.

Part One

Introduction:

David Zvi Hoffmann vs. Julius Wellhausen

or

The Position of the Hebrew Bible in an  
Age of Biblical Criticism



# Contents

## Part One

Introduction: David Zvi Hoffmann vs. Julius Wellhausen  
on: The Position of the Hebrew Bible in an Age of Biblical Criticism

Acknowledgements	1
I Preface	1
1.1 Introduction	3
1.2 Biography	6
1.3 Hoffmann's Work	9
1.4 Traditional Judaism vs. <i>Wissenschaft des Judentums</i>	12
1.5 Orthodox Judaism vs. Unorthodox Science	20
II Prelude to Biblical Criticism	
II.1. Ancient Criticism of the Hebrew Bible	26
II.2. Rise of Skepticism	31
II.3. Skepticism with Regard to Scripture	52
II.4. The Jewish Position on Authorship	61
III Biblical Criticism	
III.1. Introduction	72
III.2. Abraham Kuenen	73
III.3. Julius Wellhausen	74
III.4. Wellhausen and the German View on History	86
III.5. Wellhausen and Anti-Judaism	83
IV Conclusion	88
Abbreviations	98
Bibliography	97

## Part Two

David Zvi Hoffmann's *Die Wichtigsten Instanzen gegen die Graf-Wellhausensche Hypothese*  
("The main arguments against the Graf-Wellhausen hypothesis")  
An annotated translation

Translator's Foreword	1
Introduction	1
The Pesach Sacrifice in the Priestly Code	2
The Slaughter of Animals for Meat Consumption	6
The Core of the Priestly Document and the Holiness Code	12
The Relationship between Ezekiel and the Holiness Code	18
Ezekiel and the Other Parts of the Priestly Code	25
Ezekiel and Deuteronomy	30
Ezekiel and the Other Prophets	33
Ezekiel, the Priestly Code and Their Relationship	36
The Priestly Code and Deuteronomy	39
The Promulgation of the Priestly Code	54
Kuenen's View on Ezra's Book of Law	57
The Priestly Code and Post-Exilic Conditions	61
The Place of the Divine Service	67
The Sacrifices	75
The Festivals	83
The Priests and the Levites	95
The Endowment of the Priests	112
Appendix: The Age of the Day of Atonement	126

## *Acknowledgements*

It is my profound pleasure, at the completion of this thesis, to thank the following people, who to a lesser or greater extent, have been instrumental in its coming about.

First and foremost, I would never have written anything about - possibly not even have heard of Rabbi David Zvi Hoffmann - had it not been for Prof. B. Barry Levy, who put me on his trail. But my gratitude to him goes surely further than that, because without his sharp insight into and love for the world of *parshanut* and his great ability to instill this in his students, I would still not have known *what* to do with Hoffmann and the ever growing amount of material that I got acquainted with on the way. Having been part of his classes for a number of years has been my great pleasure and a true journey of discovery with ever opening new horizons of knowledge. I must finally also thank him for not just advising me so ably - always suggesting new ideas and readings that could be (and would be) useful - during the course of this project, but especially for not losing his confidence in me (or his patience) during my absence abroad for two years.

But I would not even have reached McGill University, had it not been for my wonderful teachers at the Juda Palache Institute of the University of Amsterdam, who, in the early eighties, guided me through my Undergraduate years. They are especially Prof. Dr. N.A. van Uchelen; Dr. J.W. Wesselius, who taught me the basics and more of all levels of Aramaic, Ugaritic and all those other wonderful languages; and Dr. A. Gebhardt who not only taught me Modern Hebrew and introduced me to the literature, but also talked me into starting my studies in the first place when I came to inquire hesitantly. Thanks, Aryeh! Thanks are also due to the very helpful and expert staff of the Bibliotheca Rosenthaliana, also in Amsterdam, and one of the best specialized libraries on anything to do with Judaica.

My thesis would surely have found an untimely end during the years 1992-1994 that my husband and I had to spend in Holland, had it not been for our very good friends Esther van Gelder and Jaap Wittenburg who offered us friendship and hospitality, and in fact a roof over our heads - in a very difficult period - so that I could indeed work on my Hoffmann translation. Thanks for being there, guys! I also have to extend my thanks to Esther for giving me the much needed (and enjoyed) opportunity to teach a course in the adult education program in Jewish studies which she heads.

Furthermore, I should certainly not fail to mention Irene Zwiép (now Dr. and at the Warburg Institute in London) who not only provided us with many an amusing and intelligent conversation but who was also always prepared to share time and insights, even at the time that she was furiously attempting to finish her dissertation and teach at the Juda Palache Institute at the same time.

Last but not least - rather most - my profoundest gratitude is due to my husband Jules, without whose endless and constant love and encouragement I would never have gone back to school and all of this would never have been written...

Jules, this thesis is dedicated to you!

## Preface

It is the aim of this thesis to introduce Rabbi David Zvi Hoffmann (1843-1921) in his capacity as a Bible scholar and, more precisely, as a critic of biblical criticism. It will not be sufficient merely to describe the person of Hoffmann and his major work on this topic, which is the subject of this thesis, *Die Wichtigsten Instanzen gegen die Graf-Wellhausensche Hypothese* ("The main arguments against the Graf-Wellhausen Hypothesis"), completed in 1903. In order to determine Hoffmann's motive for this very specific labor, in which he stood quite alone as far as the sheer volume of his work is concerned, it will be necessary to delve into his *Sitz im Leben*, not only in his Jewish environment, exploring especially the relationship between traditional Judaism and the movement of *Wissenschaft des Judentums* and science in general, but also in the intellectual climate of Germany in the latter part of the 19th and the early 20th centuries. Moreover, the target of his criticism, critical Protestant Bible scholarship, mainly personified in the figure of Julius Wellhausen (1844-1918) and his most important work, *Prolegomena zur Geschichte Israels* (1882) will have to be identified and discussed.

In order to determine the origin of both schools of thought and to understand the clash between them, some aspects of the history of ideas will have to be explored, from as early as late antiquity, to the world of Islam, the medieval period, the time during and following the Reformation in the 16th century, which shook Europe to its foundations. At this time a revolution in scientific thought and discovery was making its presence felt, always interacting with the theological front. New concepts and doubts emerged out of this mixture and finally dared to face the last bulwark, the integrity of the Church and religion itself, namely the place of God and the authority of the Bible, as well as the place of man. Following, then, is an outline of the main concerns of the critical school in Bible scholarship.

Some caution is called for here. It is emphatically not the aim of this thesis to provide a complete history and analysis of all the factors leading to 19th century biblical criticism. Others have dealt with the various aspects of these issues and some of this work will be mentioned below. In general it should be stated that a critique of the Hebrew Bible entails much more than the strictly defined elements of 19th century biblical criticism. The factors leading up to and constituting this criticism are much broader than the final category itself. It is my intention to touch upon some factors that resulted in the birth of biblical criticism but, more importantly, on those that evoked a Jewish critique of it. The latter are often overlooked by the general works on biblical criticism. The rejection of critical Bible study from the conservative Christian side is usually presented as being irrelevant in these works and the

Jewish positions vis-à-vis Bible study, critical or otherwise, are ignored altogether. Therefore, while some parts of my historical overview will overlap with existing studies, at the same time it will focus primarily on that which created the fertile soil which both produced Wellhausen's position as well as necessitated Hoffmann's refutation of him, as he gave voice to some Jewish concerns. Again, this is not the place for a comprehensive history of the encounter between Judaism and critical biblical scholarship, which remains to be written.

Neither is it the purpose of this thesis to make a pronouncement on the dating of the Priestly Document, which, of course, was a major issue in the critical vis-à-vis the conservative and non-critical positions. The bibliographical information pertaining to this issue merely serves to illustrate that opinions are still being presented suggesting a pre-exilic date for P and to illumine Hoffmann's position. This does not imply that in the academic discussion on this topic the same evidence might not be turned around by others to prove the exact reverse. It is relevant, however, that the pre-exilic option is a real one in the discussion, which sheds light on Rabbi David Zvi Hoffmann's refutation of Wellhausen and shows that at least certain elements of the former's standpoint are still part of the current debate. It should be clear therefore that, ultimately, this thesis does not purport to be either a critique or defense of Bible criticism, but rather a description of the sensitivities in which Hoffmann's work is the main element and serves as the point of departure for the venture.

Part I. Section I sketches a profile of David Zvi Hoffmann and presents an outline of his scholarly output. Section II deals with the currents that formed the basis of the two approaches to the Pentateuch, critical or apologetic. Section III outlines the principles and development of critical Bible scholarship. Whereas Sections I and II explore the roots from which they came, Section IV analyzes where the two streams, roughly represented by Wellhausen and Hoffmann respectively, went. It illumines Hoffmann's place in the history in Jewish biblical interpretation. Part II consists of the annotated translation of Hoffmann's critique of Wellhausen.

All translations are my own, unless indicated otherwise.

## I. 1. *Introduction*

David Hoffmann's life and work must be seen against the background of a Jewish and general era of turmoil and upheaval. In the mid-19th century, when Hoffmann was born, both the Jewish and general German conditions were still in a state of turbulence, neither having yet fully recovered from the impact of the Enlightenment. In Hoffmann's declining years, the European (and especially the German) situation deteriorated further. The Jewish population had to cope with the rise of scientific (as opposed to religious) anti-Semitism, while the political situation eventually culminated in the First World War.

Many descriptions of a famous person and his work nowadays may be entitled, "[so-and-so]: the man and his work," followed by a detailed and integrated picture of the person in question. With regard to David Zvi Hoffmann, we immediately run into a problem concerning the biographical material. The authoritative biography still remains to be written. His correspondence, so far as it may still exist, would shed enormous light on his personality, his concerns and his scholarship; research into it also remains a desideratum. Therefore, dealing with Hoffmann within the present context we will have to make do with the minimal biographical material available to us.

It must be concluded that the available secondary material for the construction of a biographical picture of Hoffmann seems to be limited in comparison to his great contemporaries, Rabbi Samson Raphael Hirsch and Rabbi Esriel Hildesheimer.<sup>1</sup> Hildesheimer was the founder of the Rabbiner Seminar in Berlin and Hoffmann's predecessor as its principal. The contents of the articles that are available about Hoffmann are mostly of a hagiographical nature: they mention the extent of his scholarship, and then stop short and express regret that 'this is not the place to go into detail' concerning the particular aspect of his work that had just been mentioned. Furthermore, the authors of such articles state that there definitely is a need for more research on Hoffmann and his work. However honorable the intentions of these writers and however well deserved the praise, the result is that we lack indepth studies of Hoffmann and his work. His very comprehensive writings, which cover a wide range of topics, such as Bible commentaries, works on post-biblical literature, halakhic responsa, historical studies, book reviews, political brochures about contemporary Jewish issues, etc., remain largely virgin territory. It is not the purpose of this thesis to attempt to answer the question of why Hoffmann and his work have been neglected. Nor is this an attempt to correct all aspects of this oversight. Future research in this area is therefore indicated.

The conflicts in the German-Jewish society of the mid-19th century came in various guises. Within the Jewish world, Orthodoxy was faced with a loss of autonomy as a result

of the new communal conditions and status of religion within the state following the Enlightenment. The Reformers, too, who had for some decades been encroaching upon mainstream Orthodoxy and whose actions pressed for change in liturgy and decorum in the synagogues as well as for change in the organizational structure of the *Gemeinden* (communities), grew stronger. Meanwhile, society at large was subject to the rising tide of anti-Semitism. Like Hirsch and Hildesheimer, Hoffmann had to cope with these conflicts and, like them, the weapon he used in combating them was two-fold: a new approach to education and the pen.

This thesis deals with Hoffmann's extensive pioneering work in refuting the Documentary Hypothesis as it had been propounded and popularized by Protestant Bible scholars of the 19th century, a task for which he was pre-eminently equipped. The direct and dangerous consequence of the new approach to biblical studies, as he perceived it, was the violation of the integrity of the Hebrew Bible and therefore of Judaism itself.

In order to construct a scholarly and credible refutation of the Protestant biblical scholarship of his era, he had to acquire the necessary tools, first and foremost mastering languages. The basic curriculum for any Jewish Bible scholar required a thorough knowledge of biblical, mishnaic, and medieval Hebrew and Aramaic, to which Hoffmann also added Syriac and Arabic. Of course he worked in German, and as part of his secular education he learned Greek and Latin. Moreover, it should be noted that he indeed utilized the extra-biblical sources these languages provided (Josephus, Philo, LXX, Peshitta and the Samaritan Pentateuch) to support his arguments. His linguistic knowledge alone gave him a great advantage over the Christian scholars, who definitely lacked his virtuosity in Hebrew and Aramaic language and literature. They also lacked much of his insight into Jewish historical and religious dynamics, and thus had to forego the rich information available in other Jewish primary sources. This assumes they were ready to take these sources seriously, but this may be false, as in their opinion, Judaism had lost its right to exist after the rise of Christianity. Moreover, Hoffmann in fact studied all the attacks upon the Hebrew Bible and Judaism, which enabled him to fight the war on the enemy's ground. Despite Kipling's famous dictum, that East is East and West is West and never the twain shall meet, Hoffmann broke the silence from the Jewish side and did not just go on the defensive with his refutation of critical biblical scholarship, but actually opened up an offensive by using the same methods and reasoning as did the critics. Up to the period of the revival and modernization of Orthodox Judaism in Germany, of which he was one of the great champions, it had never before happened that these two worlds - which were so far apart - met on equal ground in the pages of a modern, scholarly Jewish commentary on the text of the Pentateuch. This had not really been possible, as the Orthodox Jewish world up

Orthodox Jewish world up to that time was not yet on a par with the modern world in which it existed but did not take part. In many circles, in fact, there was a very strong opposition to participating in the surrounding cultures and activities, and many considered secular learning fundamentally undesirable. This position is clearly illustrated by Rabbi Moses Sofer of Pressburg (the Hatam Sofer, 1762-1839). In his opposition to Reformist developments within the Jewish world, he interpreted the talmudic dictum "*hadash asur min ha-torah bekkhol maqom*" ("innovation is prohibited by the Torah under all circumstances") to apply to the prohibition of any innovation, however minor, simply because it was an innovation. This would have severe consequences for emancipation in general and the integration of secular education in particular.<sup>2</sup>

---

<sup>1</sup> S. A. Hirsch 1890; H. Levine 1963; Breuer 1977; Schweid 1984 85: 107-117; Aberbach 1992.

While much of Hirsch's literary output has been (and is still being) translated into English, this is not the case with Hildesheimer yet, in general studies about the 19th century German Jewish world, the indices on both Hirsch and Hildesheimer far outnumber those on Hoffmann, who is often ignored even in specialized studies. In his 1976 study on Hirsch, Rosenbloom manages to disregard Hoffmann in all of its 480 pages; whereas Bach 1984, devotes three references to Hirsch, two to Hildesheimer, and one to Hoffmann.

With regard to Hildesheimer mention can be made of a special edition of *Jeschurun* 7(1920)5 6, dedicated in its entirety to the work and person of Rabbi Esriel Hildesheimer; Ellenson 1979; *ibid.* 1990.

<sup>2</sup> On the attitude of the Hatam Sofer towards modernity, see *EJ* 15:77-79. Valuable information is contained in Silber 1992. Also: Breuer 1986: 33 (*Or*: 1992: 22). See also J. Katz, 1990.



## I. 2. *Biography* <sup>1</sup>

David Hoffmann was born on November 24th, 1843 in Verbó (Slovakia) in a strictly Orthodox environment. His father Moses Judah, the *dayan* (religious judge) of the town, died when his son was only five years old. I have not found any information on whether there were other children in the family. Young David received the traditional education of learning the Bible at age three, Rashi at four, and Talmud at five. Being a child prodigy, by age ten there was nothing left to learn in his home town. An anecdote (related by Alexander Marx, his son-in-law) tells of the young Hoffmann, who could deliver a talmudic discourse on the same level as the local rabbi and who did not see in what respect the latter was superior to him. When Hoffmann was twelve, Rabbi Samuel Sommer became Rabbi of Verbó. Hoffmann considered him to be his first real teacher. Realizing his student's great potential, at this early age, the rabbi arranged for him to receive instruction in secular subjects.

In 1859 Hoffmann began studying in the *yeshiva* of the famous Rabbi Moses Schick (1807-1879) in St. Georgen, where he stayed for about a year. <sup>2</sup> Maharam Schick had been a student in the *yeshiva* of Moses Sofer (the Hatam Sofer) in Pressburg for six years. Schick was active in the fight against the Reform movement and referred to the Reform Rabbis as 'Karaites' (a medieval Jewish sect that did not recognize the Oral Law). He was a proponent of complete Orthodox communal separation from the reformers. When a controversy broke out between Samson Raphael Hirsch of Frankfurt and Seligmann Baer Bamberger of Würzburg concerning cooperation with Reform or forming separatist congregations, Bamberger ruled that it was permitted to form one community with them. Schick's protest resulted in the rejection of Bamberger's view and the acceptance of Hirsch's opinion in favour of separation. On other matters, however, he was more lenient, for instance concerning the preaching of sermons in the synagogue in the vernacular as opposed to Yiddish or Hebrew. <sup>3</sup>

In 1860 Hoffmann entered the rabbinical school in Eisenstadt, founded by Dr. Esriel Hildesheimer, where he also continued his secular studies. In 1863 he went to Pressburg where he became the student of Rabbi Abraham Samuel Benjamin Schreiber (the Ketav Sofer). <sup>4</sup> In this period he officially embarked upon his secular studies and showed great interest in both philology and mathematics. During his later university studies he widened and deepened the excellent training he had received in both classical and oriental languages. These efforts enabled him in later years to make important contributions to the lexicography of Mishnah and Talmud, and served him well in his exegetical work. His mathematical skills helped him decide in problems of the Jewish calendar. He would eventually graduate from the University of Tübingen in Germany. <sup>5</sup>

After graduating from the Evangelical Gymnasium in Pressburg in 1865, he became a student at the University of Vienna. His studies were interrupted when he accepted a teaching position in Höchberg (Bavaria, Germany) near Würzburg. It was here that he met Rabbi Seligmann Baer Bamberger and his circle. It was also on this occasion that he became acquainted with the German approach of Talmud study, which differed greatly from the Hungarian method, the latter emphasizing *pilpul* or casuistic differentiation. In contrast, the German approach was very thorough in stressing the plain meaning of the text, as well as in emphasizing the practical applicability to actual legal decisions. Hoffmann later on succeeded in developing a unique blend of the methods of his Hungarian (including Hildesheimer) and Würzburg teachers.<sup>6</sup>

The situation of Hungarian Orthodoxy and its dynamics under the tight reigns of the Sofer dynasty, and its relationship with German neo-Orthodoxy as represented by S.R. Hirsch and European Jewry in general, have been expertly treated by Michael Silber.<sup>7</sup> In 1869, Dr. Hildesheimer was invited by the Congregation Adas Jisroel to become the spiritual leader of Berlin's Orthodox Jewish community, which had been suffering a crisis in leadership due to the rift between those supporting and those opposing Reform.<sup>8</sup> Hildesheimer, with his diplomatic skills and pragmatic approach to modernity was the person *par excellence* to restore the rights and position of the Orthodox population which had been severely threatened.

Hoffmann followed his former teacher to Berlin and continued his studies at the university of that city. In 1871, he accepted for a short while a teaching position at the school founded by Hirsch in Frankfurt. In 1873, Hoffmann returned to Berlin, where he was appointed as teacher in Talmud and Codes for the lower grades at the Seminary. Hildesheimer had founded the school that same year, thereby realizing his life's dream. In 1895, Hildesheimer had to give up teaching the higher grades due to his advanced age, and Hoffmann took over in that capacity. He would, in fact, fill this position until June of 1921, less than half a year before he died. In 1899, after Hildesheimer's death, Hoffmann succeeded him as rector of the Seminary. In 1918, the German government honored Hoffmann by bestowing upon him the title of Professor, a distinction he shared with only a few other Jewish scholars. The irony of the situation was that before this occasion, he was twice refused German citizenship, the second time as recently as 1900.

Deeply religious and strictly observant, he was very exacting towards himself and yet lenient towards others. In his mode of life he has been justly compared with the saintly medieval German scholars, the *Hasidei Ashkenaz*. He passed away in his sleep, on November 20th, 1921.<sup>9</sup>

<sup>1</sup> The biographical material is largely drawn from Marx 1947. As the era of David Hoffmann occurred fairly recently, there is no debate on the biographical data and the various authors are in agreement.

<sup>2</sup> Marx 1947: 187.

<sup>3</sup> *EJ* 14:958.

<sup>4</sup> Marx 1947: 87-8.

<sup>5</sup> Aviad-Wolfsberg 1958: 365.

<sup>6</sup> Marx 1947: 188-9.

<sup>7</sup> Silber 1992: 23-84.

<sup>8</sup> Ellenson 1990: 54-55.

<sup>9</sup> Marx 1947: 189-93.

### I. 3. Hoffmann's Work

David Hoffmann was an extremely prolific writer. The Jubilee Volume presented to him on the occasion of his 70th birthday contains a very extensive bibliography, compiled by L. Fischer and consisting of some 25 pages.<sup>1</sup> Yet, this important contribution to the study of Hoffmann is incomplete, since the eight years of active writing that he still had ahead of him at that time are absent from the bibliography. This is especially unfortunate, because now all references to the important monthly magazine, *Jeschurun* (issued between 1914 and 1930), to which Hoffmann contributed many articles, are missing. An update covering the work of Hoffmann's remaining years is therefore strongly indicated. Those data that bear directly upon my main topic, as far as they are available, will be supplied in the bibliography below.

Hoffmann never produced a complete Pentateuch commentary, although this may very well have been his long term goal. That this might be so, is indicated by the last sentence of the introduction to *Die Wichtigsten Instanzen. Heft II*, which deals with broader issues than just Wellhausen's *Prolegomena*.<sup>2</sup> He says there, "This booklet concludes the investigation with regard to Genesis. With God's help the relationship of the PC to JE will be investigated in the other books of the Pentateuch as well as in the Book of Joshua, and lastly the influence of the PC on the remaining biblical texts will be demonstrated." Hoffmann did write a full commentary on the books of Leviticus and Deuteronomy. The latter, unfortunately, remained unfinished, as death overtook him while he was working on it; he completed it up to chapter 31. Both these commentaries have been translated into Hebrew. A commentary on the Book of Genesis, up to chapter 37, was compiled from his numerous lecture notes spanning a period of some 34 years. However, these notes, originally written in German, were never published in that language and were directly translated and heavily edited for the Hebrew edition. Furthermore, he compiled an extensive outline of difficult passages and their explanation, in the Books of Genesis (chs. 1-11) and Exodus (chs. 1-18). This series of articles appeared in seventeen chapters in *Jeschurun* between 1914 and 1919 under the title of *Probleme der Pentateuch Exegese*. The issues dealt with in the above mentioned *Heft II*, partly cover and further complement the articles in *Jeschurun* and form a concise commentary on the Book of Genesis in the form of a description of those passages deemed of importance to the critical school.

All these commentaries reflect Hoffmann's immense concern with the refutation of biblical criticism. But he did not battle his theological foes just through systematic exegesis. Also in various articles in the *Magazin für die Wissenschaft des Judentums*, which he co-edited with A. Berliner between 1876 and 1898, we already encounter this issue. Some of these articles he later edited into his commentaries, others (1879/80) served as *Vorlage* for his

ultimate work aimed at the refutation of especially the views of Julius Wellhausen, *Die Wichtigsten Instanzen gegen die Graf-Wellhausensche Hypothese* (1903),<sup>3</sup> my present concern.

Before turning to the main subject, however, the following summary of the most important examples of Hoffmann's other scholarly work is appropriate. It will of necessity be brief, as it really is beyond the scope of this thesis and will therefore be restricted to an enumeration of these works rather than providing a deep analysis of them. For a listing of these works, I refer to the bibliography in the *Festschrift*, but it must be recalled that it is complete only up to the year 1914. Where pertinent, reference will be made to the work of other scholars in this respect. Further research needs to be done in this field as well, although Hoffmann's studies in Rabbinics and Halakhah have received somewhat more attention than those concerning the Bible and its criticism.

1. In 1873 Hoffmann's doctoral thesis *Mar Samuel*, a biography of this head of the Babylonian academy in Nehardea in the third century, was published. It was later reprinted in *Jeschurun*, in some of the 1922 issues, following Hoffmann's death. Some controversy arose over the nature of this work, as it showed a certain measure of critical historical tendency, which was considered contrary to some established Orthodox opinions. Hoffmann, who disagreed with the thought of his work being harmful, asked R. Samson Raphael Hirsch to judge it, but he returned it very unexpectedly with a scathing review and accused Hoffmann of applying the critical historical methods of the *Wissenschaft* school, even to the extent of quoting certain *Wissenschaft* scholars who openly denied the divine origin of the whole tradition (i.e., both the Oral and Written Tradition). It was Hirsch's position that the Tradition is not subject to historical development. The Torah, in his opinion, has as little history as does nature. His approach to the written and oral law was basically unhistorical.<sup>4</sup> It needs to be emphasized, however, that the freedom Hoffmann allowed himself with respect to the historical development of rabbinical texts he certainly did not permit with regard to the biblical text. It was his opinion that the content of the Mishna originated from the same divine source as the Torah and was revealed to Moses orally; its literary form, however, was of a later date and could therefore be properly subjected to historical and critical examination.
2. *Der oberste Gerichtshof in der Stadt des Heiligtums* (supplement to the *Jahresbericht des Rabbinerseminars*, Berlin, 1878).
3. *Die erste Mischna und die Controversen der Tannaim* was published in 1882. A Hebrew translation by S. Grünberg appeared in 1912. This and the previous title were translated into English by Paul Forchheimer in 1977 (New York: Maurosho Publications of Cong.

- Kehillath Yaakov, Inc.) under the title of *The First Mishna and the Controversies of the Tannaim and The Highest Court in the City of the Sanctuary*.<sup>5</sup>
4. *Der Schulchan-Arukh und die Rabbinen über das Verhältnis der Juden zu Andersgläubigen* was published in 1885 as a compilation of articles previously published in the *Jüdischen Presse* during 1884 and 1885.<sup>6</sup> A revised and augmented edition appeared in 1894.
  5. *Zur Einleitung in die halachischen Midraschim* [Introduction to the Halakhic Midrashim], supplement to the *Jahresbericht des Rabbinerseminars*, Berlin, 1888.
  6. *Zur Einleitung in die Mechilta des Rabbi Simon b. Jochai* [Introduction to the Mekhilta of R. Simon bar Yochai] was published in Frankfurt in 1906.
  7. *Zur Einleitung in den Midrasch Tannaim zum Deuteronomium* [Introduction to the Midrash Tannaim to Deuteronomy] appeared as off-print from the *Jahrbuch der Jüdisch-Literarischen Gesellschaft*, 7, 1909. In addition to the above, Hoffmann edited, translated, and annotated various Midrash collections.<sup>7</sup>
  8. Between 1926 and 1932, three volumes of Hoffmann's responsa, entitled *Melammed Leho'il*, were published in Frankfurt and in 1954 it was reprinted in one volume (New York: A.L. Frankel). It comprises material that Hoffmann had begun to transcribe in 1892.<sup>8</sup>

---

<sup>1</sup> Fischer, in: Wohlgemuth 1914: vii-xxxiv.

<sup>2</sup> Published in the *Jahresbericht des Rabbiner-Seminars zu Berlin für 1914 und 1915*, Berlin, 1916.

<sup>3</sup> Ellenson 1990: 150-154.

<sup>4</sup> This episode is well described in Breuer 1986: 171-173 (or: 1992: 184-186). Very informative is a letter by Hirsch Hildesheimer in answer to a letter by E. Schwarzschild, published in Eliav, ed. 1965: 207-219, 267-270, in which the addressee, defending S.R. Hirsch's position against Hoffmann, actually casts doubt upon the "Orthodox character" of the Seminary. Also: Marx 1947: 204-206; Ellenson 1990: 145-150.

<sup>5</sup> A critical assessment of Hoffmann's *Die erste Mishna* is found in Primus 1973. He examines if and to which extent, Hoffmann can indeed practice scientific critical methods in his textual-historical study of the Mishna while at the same time being bound to his traditional religious view with regard to the ultimate origin of the Mishna phenomenon. Further, Ellenson 1990: 154-156. For a contemporary treatment, see Baßfreund 1907, who deals, among others, with the views of Z. Frankel and D.Z. Hoffmann.

<sup>6</sup> Munk 1994, deals with this study and its background. See also pp. 38-39, below.

<sup>7</sup> Harris 1992: 275-277, and 1994: chs. 6-8; for Hoffmann, pp. 228-234.

<sup>8</sup> Hyamson, 1928-29, wrote a lengthy review of the first published volume. For a detailed examination of Hoffmann's responsa, see Brown 1969.

## I. 4 *Traditional Judaism vs. Wissenschaft des Judentums*

Following the Enlightenment, the Reform movement joined with some of the efforts of the new national governments to assimilate its Jewish populations and this led to a genuine split in the fabric of European Judaism. There was no longer one single Judaism within which many opinions were voiced. Firstly, we see the rise of a German Jewry, a French Jewry, an Anglo-Jewry, etc. Secondly, we see that the earlier self-rule enjoyed by the Jewish communities had come to an end. Dissenting groups within Jewry could now opt out of the larger community and gain a place for themselves on equal grounds right beside the former "ruling elite." The latter now became known as "Orthodox;" it was that body of Judaism which intended to preserve the tradition uncompromised by all sorts of modernizations and certainly was averse to assimilation, which, in its opinion, spelled doom for Judaism.

The term "Orthodoxy" in relation to Judaism first appeared in 1795 and was widely used from the early 19th century on in order to distinguish it from the Reform movement. Orthodox were those who accept as divinely inspired the totality of the religion of the Jewish people as it is recorded in the Written and Oral Laws, codified in the Shulhan Arukh and its commentaries, and practiced according to the teachings and unchanging principles of the Halakhah. <sup>1</sup> Orthodoxy considered the Torah to be of divine origin, not merely "inspired," and the study of Torah, which includes all the sources mentioned above, was a purpose in itself, a religious commandment the fulfillment of which was the epitome of serving God. This activity is referred to as *lernen*, which is not quite the same as *studying*. <sup>2</sup>

Mordechai Breuer, in his thorough study on German-Jewish Orthodoxy in the period under discussion, gives many relevant insights into the workings of this society. <sup>3</sup> In the chapters on *Jüdische Wissenschaft* (Jewish Science) and *Apologetik* <sup>4</sup> he makes a number of valuable observations on the dynamics and relations in the forces that helped shape our topic.

Up to the period of the Emancipation, Jewish religious life and its creative force had mainly centered around the Bible and Rabbinic literature, as well as their commentaries, which were considered authoritative. This occupation was singularly motivated by religious duty. However, there was also an element that could be called "scientific" in a strict sense, as its purpose was to fathom the "true" sense of the Torah. The living and creative aspect was guaranteed in that the student was stimulated to trace hitherto undiscovered explanations and connections. The incentive for this was found in the two mainly social functions which were basic and inherent to Torah study. On the one hand the explanation of the sources together with the closely related actualizing homiletic approach, and, on the other

hand, the application of the religious precepts to new situations. Breuer then continues to explain that within German traditional Judaism there had always been a strain that remained open to the scientific findings of the surrounding culture.<sup>5</sup>

In 1820, the movement of *Wissenschaft des Judentums*<sup>6</sup> came into existence. That this movement did not originate in a vacuum but rather had a distinguished prehistory, has, as seen, been pointed out by Breuer to whom we will return later. Meanwhile, Solomon Schechter made some pertinent remarks with regard to this issue.<sup>7</sup> In 1910 he wrote: "The growth of Jewish *Wissenschaft* is a matter of comparatively recent date, going back only a few generations. This does not imply that Jewish *Wissenschaft* is, as some claim, a product of the Reform or Rationalistic movement in Judaism." In fact, he suggested that even if initially the early Reform movement and *Wissenschaft* formed some sort of alliance, the ways soon parted as it became increasingly clear that a development towards the preservation and study of Jewish sources could hardly be reconciled with one preferring to shed all things Jewish in favor of acceptance by and assimilation into the surrounding culture. Schechter then lists some of the major personalities of the *Wissenschaft* school, such as Krochmal, Zunz, Frankel, Jacob Bernays, Luzzatto,<sup>8</sup> Graetz, and Steinschneider, who "were either directly hostile to this movement, or abandoned it after a short connection, or at least remained entirely indifferent to its claims."<sup>9</sup>

The major reason for the disenchantment of the extreme Reformers with *Wissenschaft* was the fact that its findings proved the validity and historicity of traditional Judaism instead of disproving and demolishing its foundations. Schechter identifies three major results of the *Wissenschaft* enterprise that would have contributed to this breach.<sup>10</sup>

- 1) "Judaism was an organism with a natural growth, rooted in the Torah...not the artificial product of Rabbinical conferences, commissions and sub-committees. It grew out of the tree of Life, the Torah, whose commandments were never put to a vote; never did Jewish authorities meet with the purpose of accepting a foreign belief or un-Jewish usages." Of course it was unavoidable that certain foreign customs and concepts crept in, but this is understandable, "as Israel neither could nor would shut itself off entirely from the influences of the outside world. Yet, it should be remembered that these influences would have to go "through a process of assimilation" into Judaism, and of "elimination of things un-Jewish".
- 2) "Research has proved that the Torah...is the very life of Judaism, and that its abrogation means death. Against this stronghold, which, as history testifies, Israel defended with its very life, were directed all the attacks of both Pagan and Christian fanaticism, and the battle is now continued by our modern 'amateur Gentiles'. The Sabbath and the Covenant of Abraham are especially mentioned as the commandments of the Torah for which Israel had undergone martyrdom. And the mere thought that the abolition of such laws should be discussed and reported upon by appointed commissions is appalling and abhorrent to the Jewish historical conscience."
- 3) "Research has taught that universalistic Judaism, propagated by means of abolishing the Law and at the risk of the final absorption of Israel by its surroundings, is in



contradiction to the teachings of the Bible – the Talmud, and all Jewish opinion that has come down to us from antiquity, from the Middle Ages, and even from modern times as late as the middle of the last century. It is anti-prophetic – unless, in a Christian spirit, we sterilize the nationalistic passages pervading the whole of the Bible. It is anti-Rabbinical – unless we tear out the passages from the contexts and pervert their meaning. In brief, it is non-Jewish and un-Jewish. It has no root and no room in Jewish thought, and derives its pedigree from Paul's epistles."

That Schechter's analysis may be somewhat rosy and too apologetic does not invalidate the underlying logic of his statements.<sup>11</sup>

The searching for and investigation of Jewish religious literary sources, their interpretation, application, and organizing, Schechter traces back to a figure no less than the Vilna Gaon,<sup>12</sup> the greatest halakhic authority of his time. His command of those elements, ancient and contemporary, that comprise the heritage of Judaism was staggering. He would scrutinize the texts critically, complementing weak spots with citations from clearer places. Also he would utilize sources that had been ignored for centuries, such as the Jerusalem Talmud. It is almost as if he rediscovered them. He also added new commentaries and glosses. Schechter says (p. 183): "With this great contribution the foundations for textual criticism were laid". Another personality praised by Schechter is R. Jechiel Heilprin of Minsk (1660-1746), whose main work is *Seder ha-Doroth* ("Chronology of the Generations"). This work is a systematic overview of the successive generations of Tannaim and Amoraim, the sages of the Mishna and the Talmudim.<sup>13</sup> It remains a noteworthy, innovative, pioneering work, even though more recent works have replaced it.

Many followed in their footsteps and began to gather manuscripts, in which way many a considered lost or even forgotten collection of midrashim or other texts would be rescued from oblivion. But neither these scholars "nor the Gaon had any immediate influence upon their successors in Germany. The rationalistic school, succeeding Mendelssohn, had very little use for manuscripts. I dare say that even the printed books were too many for them. They were a set of dilettanti who cared to study as little and write as much as possible," laments Schechter.<sup>14</sup>

Breuer<sup>15</sup> argues along the same line and lists a few more early Jewish scholars, such as Yom Tov Lipmann Heller (1579-1654) and Yair Chaim Bacharach (1638-1702) who showed a new openness towards general knowledge.<sup>16</sup> And they were followed by more. Breuer provides examples up to the late 19th century, in order to illustrate the fact, as had already been noticed by Schechter, that the eventual *Wissenschaft* movement was not original. Their achievements fitted nicely into the chain of the German-Jewish literary tradition and, seen in this way, did not really form a new problem for Orthodoxy. The Jewish-scientific activities of Orthodox scholars was a gradual continuation of the work of earlier

generations, so that it can therefore be argued that this would also have happened without the stimulus of the *Wissenschaft* movement. Yet, it cannot be denied that they also did receive impulses from this movement.

In order to avoid the impression that everything was just fine between the two and that there was no conflict at all, Breuer <sup>17</sup> stresses that this movement in Germany was initiated by a circle of young academics who had left the compulsory traditional fold and for whom their Judaism and being Jewish had become a problem. A religious reform, which basically consisted of the abolishment of outdated conventions, could not satisfy them. <sup>18</sup> They organized themselves in a 'Society for Culture and Science of Judaism' and searched for a positive Judaism, the spirit of which could give it significance without being bound by obligations. They wanted to create this spirit from Jewish history and literature. They thought that the scientific investigation of the Jewish tradition would enable them to renew and intensify their Jewish identity and to sincerely embrace Jewish culture. A return to the traditional Judaism of their youth they not only considered impossible but even insane. *Wissenschaft* was for them that which prevented them from leaving the Jewish fold altogether or even conversion to Christianity.

The affirmation of Judaism and the intellectual pursuit of its mainly religious culture without recognition of the faith and the customs of historical Judaism as obligatory was unprecedented in Jewish history. From the Orthodox point of view this meant no less than a major revolution: the religion, which until then had been the center of the Jewish intellectual world would now be merely a subject to be studied by Jewish intellect. Or in other words: it was the Jew, not Judaism, which stood in the center. It introduced a secularization of Jewish sacred history, and even more, of the very concept of Judaism. <sup>19</sup> The practitioners of *Wissenschaft* were convinced that their work would make Judaism acceptable in the German intellectual world and accelerate political and social emancipation of the Jews. They also advocated a Reform Judaism freed from any embarrassing Rabbinical remainders. It was therefore understandable that Orthodoxy disapproved of this kind of *Wissenschaft des Judentums*. Also their views with regard to learning and studying differed quite a bit methodologically. The *Wissenschaft* scholars would approach the text without any preconceived principles. Criticism became the central focus. This tendency implied that the Jewish past became censored.

Samson Raphael Hirsch, in this case too the spokesman for Orthodoxy, opposed them in the strongest language. Especially objectionable to him was the fact that certain religious scholars applied the new method; worse yet, they did it with regard to biblical studies; and Hirsch himself was no enemy of science. His philosophy of education presupposed openness to their achievements. His own speculative etymology and symbolism

had not come about without being influenced by the scientific notions of his youth. His exegesis, which often deviates from that of the older commentators and met with attacks from all sides, was defended in the *Israelit* (1868): "In the field of Jewish science the investigation is free, and when today we continue to build on the achievements of our great predecessors and very often things are clearer to us than it was to them, then there can be no obstacle for us to improve their comments, or to create new ones." Concerning the situation when talmudic expressions with regard to physics and history would clash with modern science, Hirsch would prefer the scientific solutions. In his journal Orthodox scholars were free to treat Jewish scientific subjects by means of modern methods of research.

Breuer thinks that Hirsch might even have gone further, had not the *Wissenschaft* movement been so vehemently anti-rabbinic. For Hirsch the notion that both the Written and the Oral Law are just as much a creation of God as is nature, and that consequently the investigation of the precepts of the Torah and their relationships have the same underlying method as the laws of nature, was the foundation of his idea of *Wissenschaft des Judentums*.<sup>20</sup> The German orientalist and theologian, H.L. Strack, labeled Hirsch's work as "having no significance for science worth speaking of." Hirsch was delighted and went straight into a counter-attack. He attempted to prove that the results of *Wissenschaft* were at least as unscientific as what he was blamed for. The historical-critical scholarship of the Bible assumes that the Torah is not God's word. Herewith it is established that they lack scientific honesty and an unprejudiced attitude as they deny beforehand what is attested on every page of the Bible. Objective criticism should depart from the premise, even if only as a hypothetical assumption, that the Bible is exactly that which it says that it is.

For Hirsch, Jewish science was impossible if it was not also practiced with the heart. If Judaism was not lived, basically, it could not be studied. It would be robbed of its soul, it would be a ghost. Hirsch called *Wissenschaft* a "pathological anatomy of a dead and dying Judaism." They see to it "that at the time that the old Judaism is put to the grave its memory is at least preserved in literary history."

Despite all the name calling the groups shared much, and this should be attributed to more than coincidence. Both distanced themselves from the old Jewish way of learning and made the study of sources into an instrument of a modern intellectual approach of the Jewish reality. Both wanted to stress the high standard of education and the cultural value of Judaism, even if for different reasons. A main point for both was the reawakening and strengthening of Jewish self-confidence.<sup>21</sup> Perhaps the difference in approach between Hirsch, who was receptive to ideas of the Enlightenment and of Romanticism, and Hildesheimer, who wanted to use scientific research in order to enhance the knowledge of Judaism, was due to the fact that they were half a generation apart.<sup>22</sup>

It has already been mentioned that Hirsch had a problem with clearly Orthodox scholars applying the methods of *Wissenschaft*. One of these is certainly Esriel Hildesheimer who always kept a clear division between Torah and science, in contrast to Hirsch, for whom Torah and science ought to be synthesized. Hildesheimer also wanted to prevent the old Jewish way of learning from being totally pushed to the side. This approach enabled him to stimulate historical-critical investigation in his students, and it is significant that in Hildesheimer's circle Hirsch's principle of *Torah im Derekh Eretz* is hardly ever used.<sup>23</sup> For Hildesheimer and his students they remain separate fields standing next to each other in equality. Yet they pursue a common goal, an exploration of the truth in the most objective manner. Hildesheimer had studied history under Ranke and welcomed the new methods and disciplines within Jewish science. Hirsch belittled historical-linguistic studies which would not immediately further religious life, while for Hildesheimer's school they represented the nobility of the search for truth. For a deeply religious man like David Zvi Hoffmann, the critical research of the authoritative sources represented the soul of Torah study, and piety without knowledge would be an impossibility.<sup>24</sup>

Esriel Hildesheimer's Rabbinical Seminary in Berlin, where Hoffmann had been appointed a teacher when the Seminary opened in 1873, offered the following fields of study. Half of the study time was devoted to the study of the Talmud and the halakhic authorities, which gave the Seminary a yeshiva character. Consequently, the most important prerequisite for students was a satisfactory basic knowledge of Talmud. During the entire period of their studies the students would have to prove themselves in both oral and written examinations. The other direction emphasized in the curriculum was the modern scientific teaching method. The investigation of the talmudic sources did not just broaden the foundation of an exact knowledge of the religious legislation, but was also the object of a philological-historical discipline which was complemented by the study of history, geography of Palestine, Semitic linguistics, and oriental studies. Special emphasis was laid on the study of the Bible, in which apologetics vis-à-vis modern critical biblical scholarship played an important part. The scientific character of the Seminary was further demonstrated by the fact that most of its students were at the same time enrolled at the University of Berlin.<sup>25</sup>

This curriculum reflects very nicely the views of Hildesheimer with regard to Torah study and science and their respective place, i.e., secular studies are to function as a support for religious studies rather than having value in themselves and being studied for their own sake. The output of the Seminary's faculty members was enormous, comprising a great part of Jewish *Wissenschaft*. They published critical editions of ancient rabbinic manuscripts, historical research, bibliographic studies and contributions to biblical scholarship, Talmud, and oriental studies. Many an important name was attached to these studies. Apart

from Berliner, Hoffmann, and Barth, there were Marcus Horovitz, Jacob Aron, Joseph Wohlgemuth,<sup>26</sup> and Alfred Freimann, etc. The Seminary also published its own scientific journals. Firstly the *Jüdische Presse* with its supplement the *Israelitische Monatsschrift*. Between 1874 and 1893 the *Magazin für jüdische Geschichte und Literatur* appeared, with an extensive Hebrew supplement, *Ozar Tob*, which was dedicated to the publishing of manuscripts. Later the new *Jeschurun* appeared between 1914 and 1930.<sup>27</sup>

<sup>1</sup> *EJ*, "Orthodoxy," 12:1486-1493. Also, J. Katz 1986, for an inside view. Wohlgemuth 1914. As "Orthodoxy" clearly signifies a stage in the development of Judaism that belongs in the modern (i.e., post-Enlightenment) period, as opposed to "non-Orthodox," which refers to other Jewish groups in the same period, the problem arises as to how to refer to the various Jewish groups from before this period. B. Levy 1992: 160, 164-165 and note 1, introduces the term "pre-Orthodox" in order to classify the perceived precursors of today's Orthodoxy. This part of the article is especially helpful in categorizing the various strands of Jewish thought of various periods, in particular as they pertain to attitudes towards the text of the Bible.

<sup>2</sup> See for instance, Grossman 1985.

<sup>3</sup> Breuer 1986. A relevant and complementary study, covering the same period, is provided by Fal 1975.

<sup>4</sup> Breuer 1986: 160-170, 187-197.

<sup>5</sup> Breuer 1986: 160-161.

<sup>6</sup> Rotenstreich 1992 offers a definition of the term *Wissenschaft des Judentums* and places it in opposition to the traditional way of Jewish learning, i.e., exegesis and its concomitant interrelated attitudes of the "acceptance of the normative position of the Scriptures and the engagement of interpreting them."

<sup>7</sup> Schechter 1915a.

<sup>8</sup> On the somewhat reluctant relationship between Samuel David Luzzatto (1800-1865) and *Wissenschaft*, see Rudavsky 1965; Rosenbloom 1965. On his position with regard to the character of the Masoretic text and its development, authorship, textual variants, his assessment of Ibn Ezra, and his thoughts on *Wissenschaft*, see Abrahams 1966: 67.

<sup>9</sup> Schechter 1915a: 176.

<sup>10</sup> Schechter 1915a: 177 ff.

<sup>11</sup> For an equally apologetic critique of one of *Wissenschaft's* prime products, Heinrich Graetz's multi-volume history of the Jewish people, see for instance S.R. Hirsch; *Collected Writings*, Vol. V, New York: Feldheim, 1988. Hirsch criticizes especially Graetz's partisan interpretation and his use of sources.

<sup>12</sup> Rabbi Elijah ben Solomon Zalman (1720-1797).

<sup>13</sup> The *EJ* entry 8:268, "Heilprin," says about this work: "...the history he wrote was the first modern-type biography of the *tannaim* and *amoraim*, being based on original research of the talmudic sources. In the introduction to his book Heilprin discussed the importance of the history of the *tannaim* to halakhic decisions."

<sup>14</sup> Schechter 1915a: 186.

<sup>15</sup> Breuer 1986: 161 ff.

<sup>16</sup> Of course the discussion (and often times the friction) between rationalism and faith or some form of orthodoxy was not initiated by these particular scholars. It has, in fact a long prehistory. From the Middle Ages and Renaissance on, the discussion can be traced through Spain and Italy before it was being waged in the more northern and eastern parts of Europe. Useful information is found e.g. in Isaac Barzilay 1967. See also Israel Zinberg's *A History of Jewish Literature* (translated into English in the 1970s from the original Yiddish edition, which was published in 1929-37), vol. II (esp. c. 6: "The beginning of the war against rationalism"); vol. III *The Struggle of Mysticism and Tradition Against Philosophical Rationalism* (dealing with the Middle Ages up to expulsion from Spain covering both the Ashkenazi and Sephardi world); vol. IV *Italian Jewry in the Renaissance Era*. An isolated intellectual collision is described by Daniel Jeremy Silver 1965.

<sup>17</sup> Breuer 1986: 162-163.

<sup>18</sup> Which may very well be the nature of the discontent felt by the *Wissenschaftler* and the Reform movement, as noticed by Schechter.

<sup>19</sup> Breuer 1986: 163.

<sup>20</sup> Breuer 1986: 166. See as well Hirsch's *The Nineteen Letters*, letter 18, p. 143 (note 6), where his method of studying Torah is clearly outlined, and "nature" and "the Torah" are referred to as "two revelations." Cf. also Rosenbloom 1976: 157-159, dealing with letter 18. He delves further into Hirsch's Torah/Nature approach on pp. 357-8. Breuer (1970: 17-18) demonstrates that not only from his many writings, covering his entire life-span, but also from his Commentary, Hirsch's conception of Torah/Nature emerges as a unifying principle.

rather than one being harmonized with the other, or one being subservient to the other. In his philosophy they form one sublime whole. It is interesting to note that this very same formulation, of the precepts of the Torah and their relationships having the same underlying idea as the laws of nature, was propagated by Spinoza in order to substantiate his method of *sola scriptura*; cf. *A Theologico-Political Treatise*, 99-100. Also, Harris 1994: 126. This is not necessarily to suggest that Hirsch would have been influenced by Spinoza, if only because the objectives of these two thinkers were diametrically opposed, but it is merely to show that a similar idea can be applied towards very opposite ends.

<sup>21</sup> Breuer 1986: 168.

<sup>22</sup> Breuer 1986: 170.

<sup>23</sup> Breuer 1970.

<sup>24</sup> For a comparison between the philosophy concerning the relationship of Torah and secular studies of Hirsch and that of Hildesheimer, see e.g., Eliav 1992: 99-108. While he does not deal with Hoffmann's position on this issue, Hoffmann himself addressed this very topic in "Thora und Wissenschaft," 1920: 497-504. Hoffmann, for the greatest part, continues in the spirit of Hildesheimer's approach, but deals here more with the religious-philosophical aspect. He applies Gen. 9:27, "May God enlarge Japhet, And let him dwell in the tents of Shem; and let Canaan be a slave to them," as well as its talmudic explanation of "the beauty of Shem shall dwell in the tents of Shem," to illustrate the relationship between Torah (Shem) and secular sciences (Japhet/Hellenism). It is, therefore, followed by a lengthy addition by the publisher (*ibid.*, 505-512) who discusses the implementation of this ideal of *Torah im-Derekh Eretz* in society and its responsibilities for the continuation of traditional Judaism. He also touches on Hoffmann's contributions in the field of biblical exegesis and his polemics against biblical criticism. He, furthermore, emphasizes the principle that in order to fight something you have to know the enemy. In this light he relates an anecdote of an encounter between Hirsch and Hoffmann in Berlin at which occasion the following conversation took place. In relation to Hoffmann's lectures on Leviticus, Hirsch asked whether Hoffmann intended to take modern scholarship into consideration in his lectures. Hoffmann replied that he would do so as long as his feeble strength would allow him, and that, moreover, "the articles by Dr. Gugenheimer which appeared in your *Jeschurun* had been very helpful." Thereupon Hirsch said that this is indeed absolutely necessary and that prospective rabbis be educated on this issue. (p. 511). The articles by Dr. Gugenheimer, entitled "Die Hypothesen der Bibelkritik und der Commentar zur Genesis von Herrn Rabbiner S.R. Hirsch," appeared in *Jeschurun* between 1866 and 1869. See also note 5, ch. 1.5.

<sup>25</sup> Breuer 1986: 129.

<sup>26</sup> On Joseph Wohlgemuth, see Judah Ari Wohlgemuth 1958.

<sup>27</sup> Breuer 1986: 170. On the impact and activities of the Seminary, see esp. Eisner 1967.

## I. 5 *Orthodox Judaism vs. Unorthodox Science*

Breuer devotes a chapter to "apologetics," the reasons why and methods with which Orthodoxy defended itself against new currents in thought and science that seemed to be on a collision course with established religion.<sup>1</sup> The apologetic character of the *Wissenschaft des Judentums* movement was expressed in its intention to make Jewish history and culture acceptable to the surrounding German culture and thereby to further the emancipation of Jews and Judaism. The rise of anti-Semitism added an extra aspect to this one-sided objective. The apologetics within the group of Orthodox scholars were motivated by the urge to deepen the acceptance of the truth of traditional Judaism. They felt they had to defend traditional Judaism and its doctrines against the currents in contemporary science and philosophy that were critical or even hostile to religion. From the 1870s, German Orthodoxy was increasingly forced to take a stand against these currents if it was not to compromise on its positive attitude towards education. Its leaders suddenly had to deal with such theories and philosophies as evolution, materialism, monism, which shared the element of threat to religion as they confronted the faithful with a purely material, mechanical view of the world, nature and man, in which there was no more room for God as creator and ruler. It seemed that religion as a world view had become redundant in the face of omniscient and all-explaining science.

Because of the availability of a veritable flood of popular scientific magazines that presented these opinions and theories with an air of absolute certainty, Orthodoxy could no longer afford to ignore this new trend or simply brush it aside. Formerly these themes had been accessible only to the initiated; now they were enthusiastically devoured by the middle classes. In 1902, the issue even reached the German parliament, where it was publicly stated that religion and science were incompatible, a notion that had meanwhile gained ground among the populace. A need grew for traditional apologetics against writings of a popular-scientific character critical of the Bible. The theme of 'Religion and Science' was a topic for daily discussions in the *gymnasias* (German high-schools leading to university) and greatly confused those young people who had had a religious upbringing. As a greater number of Orthodox youth entered university, their religion became alarmingly threatened. David Zvi Hoffmann wrote in the *Jahresbericht des Rabbiner-Seminars* 1907/8:<sup>2</sup> "The deluge of a destructive biblical criticism has swept along many students of Jewish theology and set them on the wrong way, that of apostasy and renunciation of the most important religious principles." Even the sermons and instruction of many a liberal rabbi or teacher with regard to this issue were considered dangerous for the religious. Therefore increasing numbers of Orthodox scholars occupied themselves with apologetics. The call for organized apologetics, even for a chair in apologetics at the seminary, became louder. Yet there were also those

Orthodox scholars who considered apologetics a waste of time, because, they said, an impregnable bulwark needs no defense. But it was also admitted that a slow trickle of alien opinions into the naive Jewish consciousness was more dangerous than open battle. The "bulwark"-Orthodox, as Breuer calls them, argued, however, that it was pointless to discuss any issue, such as Deutero-Isaiah, with the critics who dispute the historical reality of the prophet to begin with. "Do not object to me that one should fight the enemy with his own weapons. For whom the Torah is a work of man, that one won't be taught anything better. And for whom it is God's word, that one does not need proofs but *yeshivot* !"

Another tendency was to ridicule the critical opinions. This was done especially by the Hirschian school, which was in any case very apprehensive with regard to the intensity of the apologetics. The many articles of that nature that appeared over the years were happily read but left many a burning question unanswered. In fact, a real conflict had come about on this issue between the Hirschians in Frankfurt and the Seminary in Berlin. In Berlin it was still thought better to beat the enemy at his own game in the open, rather than to limit oneself to ostrich policies.

In the foreword to his commentary on Leviticus, Hoffmann outlines his method. He says that in his effort to provide the dogmatic presuppositions concerning the composition of the Pentateuch with a scholarly base, he is always mindful, "to apply only those arguments whose justification would be recognized also from other standpoints." But even if his evidence proved vain, he would still be convinced of the error of the critics and blame the inadequacy of his own wisdom to provide the proof. One would do Hoffmann injustice, however, if his method would be considered a 'skilled apologetic' aimed at 'co-religionists who would first need to be convinced how unscientific was the way of biblical critical shredding (of the holy Scripture).' Hoffmann received more of the kind of criticism he experienced years before, when it was put to him that he had mentioned Rashi and Rambam in the same breath with Kittel and Wellhausen.<sup>3</sup>

Other frequently used arguments were that science was unable to disprove the Creator and would have to leave the question as to the first cause of all things unanswered and that truths that had been recognized for thousands of years could not be overturned by hypotheses. The tentative character of many research results was seen as evidence for the non-definitive character of "scientific proof" and subsequently its inability to make any definitive claim altogether. Among other things, it is characteristic for a certain form of modern apologetic literature to emphasize this so-called tentative nature of certain scientific findings and to use disagreements among scientists to undermine an entire hypothesis or theory. It is considered unacceptable that it is the nature of any theory to be in flux or show stages of development and improvement before reaching a final stage of verification or



falsification. This especially applies to those areas of science that deal with issues for which (any) scriptural factuality and/or authority is claimed and for which empirical proof is claimed to be lacking: e.g., cosmology, human and animal evolution, and the origin, authorship, and age of Scripture.<sup>4</sup> What we are dealing here with in fact is the issue of dogma or faith versus free scientific inquiry or, more generally, religion versus science.

With regard to the problem of biblical and geological chronology, some skillful evasive replies were provided. Hirsch cited the rabbinic notion regarding the worlds that had been created and destroyed before the creation of our present one. Joseph Wohlgemuth interpreted the six days of creation as successive creative eras of unlimited length. An attempt was made to incorporate the basic principles of the theory of evolution into the traditional teaching of creation. When *Der Israelit* manages to bend Darwin's findings in such a way as to call them "the exact scientific proof for age-old Jewish axioms," they are not really deviating so much from Hirsch's own notion of the possibility to attribute all natural phenomena to a unified law, which he considered to be "a triumph of the teaching of the One and only Creator."

Even the threat of biblical criticism seemed to abate in the light of the results of the investigation of ancient Babylonian culture which would secure the authenticity of the biblical accounts. Higher criticism had already partly been dismissed by Hoffmann's eminent work. Moreover, a segment of Orthodoxy had never taken it seriously to begin with.<sup>5</sup>

However, in 1902/3 a shockwave went through the ranks of the Jewish community. The eminent orientalist Friedrich Delitzsch (1850-1922) lectured on the topic 'Babel and Bible.'<sup>6</sup> claiming that the religious culture of Babylonia was by far superior to that of Israel and that the Bible as such lacks any religious and moral value. While his views were joyously accepted by anti-Semites, there was a sharp reaction to the superficiality of his conclusions and to their evil intent by scholars and men of religion alike.<sup>7</sup> But Delitzsch repeated his claims after World War I, and this time in an open attack on Judaism and the Jews in his book, *Die grosse Tauschung* (1921). His actions provided the anti-Semitic movement in Germany with fresh ammunition.<sup>8</sup> The reaction of the Orthodox establishment was one of indignation; many counter lectures were held and articles published; Jakob Barth and Eduard König were especially active.<sup>9</sup> Yet, Orthodoxy did not venture into a debate with Christianity, which is the reason that a book by Adolf von Harnack, *Wesen des Christentums* (1900) which presented a very negative view of Judaism, hardly elicited any reaction. Furthermore, the anxiety it awakened in the Reform camp, that it would entice uncommitted Jews into conversion, was of little concern to the Orthodox.

In its defense of Judaism, Orthodoxy actually made use of the apologetic works of Christian authors.<sup>10</sup> In the Jewish press, articles appeared by Christian authors who would

combat Delitzsch, materialism and biblical criticism, their books were recommended in this same press, while the close relationship between Christian and Jewish apologetics was emphasized.<sup>11</sup> Nevertheless, a joint battle of Orthodox Judaism and Christianity against Delitzsch and his school was out of the question. More importantly, Christian biblical scholarship hardly took any notice of Jewish apologetics. In vain one looks for mention of David Hoffmann's name in the literature of biblical scholarship, even in an obscure note. Especially surprising is the fact that also in the theological works of the period that vent a critical attitude towards Wellhausenian thought, Hoffmann appears to be unknown. Some exceptions can be found in B. Baentsch and W.H. Green.<sup>12</sup> The reason for this ambivalent attitude of Christian scholarship is, of course, not too difficult to determine. A good deal of anti-Semitism was at work. It became increasingly clear that the Jewish fight against biblical criticism was a necessary part of the war against anti-Semitism.<sup>13</sup> Neither is Hoffmann a priority on the minds of modern scholars, even when mention of his name would seem relevant. An exception may be found in R. Smend's apologetic treatment of the question of Wellhausen's anti-Semitism,<sup>14</sup> who devotes eleven whole lines to Hoffmann.

Before concluding this section, mention should be made of a short but very relevant and informative sub-chapter in a book by R.J. Thompson.<sup>15</sup> The author specifically surveys the Jewish reaction to the Graf-Wellhausen hypothesis, ranging from moderately sympathetic to right out opposition and also reviews the attitude towards biblical criticism of some of the more important Jewish scholarly journals of the time. This is quite remarkable, as most studies dealing with the history of biblical criticism discount the view of the opposing side as being irrelevant or ignore it altogether. In this light, Thompson's very positive assessment of Hoffmann should not go unnoticed. He praises Hoffmann with the words: "The most able of the German opponents was Hoffmann...His work was well done and remains one of the best statements of scientific Conservatism."<sup>16</sup>

<sup>1</sup> Breuer 1986: 187-197; see his text for the many references of quotations, mainly from various issues of *Jeschurun*, *Der Israelit*, etc.

<sup>2</sup> He makes this same observation already in *Der Israelit* 38(1897): 1497.

<sup>3</sup> Breuer 1986: 191.

<sup>4</sup> An interesting example of this line of thinking is provided by H.L. Hastings, "The Higher Criticism," ca. 1895: xviii-xxvi, who presents an outline by period of the provenance of the various scriptural texts as compiled by C.H. Cornill. He comments: "It would be useless to criticise this re-arrangement of the Hebrew Scriptures, or to show that it was arbitrary, illogical, or erroneous, if we were able to do so; for the moment this was done another host of critics would start up with the reply that they had never endorsed any such arrangement as that, but had reached other conclusions widely different and equally reliable; and thus we should find ourselves in a maze of confused and contradictory theories, from which the Higher Criticism would afford us no way of escape" (p. xxvi). On pp. xx-xxi, Hastings cites J.W. Mendenhall who in an article published in 1891 enumerated the critical theories in vogue up to that year. He states: "Without pretending to exhaust the list we submit the following as our summary of the theories that have been invented respecting each book of the Bible since the rise of the Tübingen school, and as showing the untrustworthiness of the results of the critics who assume to be investigators of the books. As to Genesis, we record 16 theories; Exodus, 13; Leviticus, 22; Numbers, 8; Deuteronomy, 17; - total on the Pentateuchal books, 76". He continues for all other separate books, totalling

539 theories sprung up in the years from 1850 to 1890 for all of the books of the Hebrew Bible. He adds another 208 theories pertaining to the New Testament, giving a grand total of "447" theories, of which he says, "603 are defunct, and many of the remaining 144 are in the last stages of degeneracy and dissolution."

- <sup>5</sup> Breuer 1986: 192. Yet, as early as 1867, *Jeschurun* devoted considerable attention to the phenomenon of biblical criticism in a sizable series of articles by J. Gugenheimer in which the readership of this "monthly for the advancement of the Jewish spirit and Jewish life in the house, the community and the school" had an opportunity to become acquainted with some of the results of the critical biblical scholarship of the day. Despite the critical nature of the articles it must be considered quite remarkable that they were published at all.

- <sup>6</sup> Published in 1903 in English as *Babel and Bible*, edited and with an introduction by C. H. W. Johns. See on the "Pan-Babylonian" school also, Kraus 1982: 309-314.

- <sup>7</sup> One of these scholars is Hermann Gunkel, who in 1903 published a lengthy essay entitled *Israel und Babylonien. Der Einfluss Babyloniens auf die israelitische Religion*, in which he disagrees with Delitzsch's approach as well as his conclusions, yet at the same time praises him for bringing the newly discovered Babylonian texts to the attention of the greater public and pointing out certain parallels between it and Israelite religion. He points out that it is regrettable that Delitzsch, being a philologist, had not consulted with scholars knowledgeable in the Bible, before publishing his conclusions. Gunkel applies here his broad knowledge of literary development, myths and sagas and the way they function in peoples' histories and religions. While on the whole this is a well-balanced essay, Gunkel too, led by his christocentric appropriation of the Hebrew Bible, is tempted into anti-Judaism. This is all too clear in each case where he, as did most of his contemporaries of similar provenance, distinguishes between the Israelite or biblical religion (which is good) and Judaism (which is bad). He accuses Judaism of being hateful towards other religions (p. 16) in contrast to Christianity, which is not. When dealing with the relationship between a Babylonian and Israelite sabbath and suggesting that the conservative theologians have nothing to be upset about, he explains (p. 27): "Here also, the laymen must be warned against unnecessary upset. After all, what does the sabbath mean for us Christians? The superior and pure religion of Christianity, as it is once again renewed in Luther's reformation, knows of no holy days! The Christian Sunday is not a translation of the sabbath, but something new and different." When speaking about the uniqueness of the Israelite religion, or at least its differentiation from Babylonian religion, which (p. 33), Gunkel says, was most clearly seen in the ideas of prophecy, "Israel's most beautiful legacy," he once again lashes out: "the prophets' passionate strove for the idea that God does not desire sacrifices and ceremonies, only a pious heart and just actions. It is primarily this innermost connection of religion with morality by which Israel's religion towers over all other religions of the ancient Orient! This is Israel's bequest to humanity and this will remain so, even if Judaism has once again become unfaithful to this colossal idea." One of Delitzsch's arguments that do find favor in Gunkel's eyes (even if he does not ultimately share his conclusion), is his observation of inconsistencies in the text that would disprove the notion of revelation, the main one of which is, "that it is impossible that the God who, according to the witness of the prophets, rejects all external sacrifices, at the same time would have commanded the ceremonial legislation in the so-called 'Priestly Code'."

- <sup>8</sup> *EJ* 5:1475-6.

- <sup>9</sup> Breuer 1986: 193. Eduard König reacted strongly against Delitzsch's second disturbing publication in *Friedrich Delitzsch's 'Die Große Täuschung' kritisch beleuchtet*, 1920; and in "Der neueste Ansturm gegen die religionsgeschichtliche Stellung Israels," 1920a; "Der moderne Kampf gegen die Geschichtlichkeit der Patriarchenreligion," 1922, where he quotes a significant remark by Delitzsch in which the latter very clearly states being influenced by Wellhausen's ideas.

- <sup>10</sup> This is something which can very clearly be seen in Hoffmann's work as well. He frequently quotes the more moderate biblical critics in order to refute Wellhausen.

- <sup>11</sup> Breuer 1986: 194. An example of this, although not aimed against Delitzsch, but comparable in its objective, is found in "Professor Kittels Obergutachten. Besprochen von einem Christen," a series of articles that appeared in *Jeschurun* 1917. In these articles the editor of the journal presents an anonymous Christian writer as a defender of Judaism in a high-profile case against Rudolph Kittel, about whom the *EJ* 10:1079 says: "His anti-Semitic tendencies were limited to private and popular expression, and did not affect his scholarship." This case received remarkably less attention than the Delitzsch issue, even though the repercussions were not less severe. When the anti-Semitic publicist and politician Theodor Fritsch of Leipzig had produced a particularly nasty pamphlet, which was considered a defamation of Judaism (in the early years of the 20th century still considered an offense in Germany), an investigation was launched against him by the Leipzig court of justice, in which a number of theologians, among whom two rabbis, each were to produce an expert opinion in order to assess the seriousness of the defamation. One of the rabbis, incidentally, was David Zvi Hoffmann, part of whose contribution may be found in *Jeschurun* 1(1914): 186-197, 229-234; 3(1916): 20-35; 298-312. The final word, however, the *Obergutachten*, was to be delivered by Prof. Rudolph Kittel. It is owing to his testimony, published as "Gotteslästerung oder Judenfeindschaft" (1914), that further proceedings were halted. The *Obergutachten* caused a flood of reactions, especially by Jewish authors; one of which was Jacob Neubauer's book *Bibelwissenschaftliche Irrungen* (1917).

- <sup>12</sup> Marx 1947: 202 describes a review of Hoffmann's *Instanzen* by Baentsch in 1908, written two years after the publication of the second volume, even though it only deals with the first volume. Marx states explicitly that to his knowledge this is the only one. In a random search I found one other brief reference to Hoffmann's

preliminary articles published in the *Magazin für die Wissenschaft des Judenthums* 1876-1880, in *The Higher Criticism of the Pentateuch*, 1896, by W. H. Green. On p. 142 Green lists Hoffmann among the opponents of the Documentary Hypothesis, as a sole Jewish scholar, together with a number of sympathetic Christian theologians.

<sup>13</sup> In a lengthy review of Jacob Neubauer's *Bibelwissenschaftliche Irrungen*, Wohlgemuth 1917, combines all the ingredients demonstrated above and makes it into a prime example of an apologetic treatise of the Orthodox point of view - which is, of course, not a judgement on the veracity of its contents, but merely concerns issues of motivation and form.

<sup>14</sup> Smend's "Wellhausen und das Judentum," 1982. See on Hoffmann's and the more general scholarly Jewish reaction to Wellhausen, pp. 204-209. In his attempt to prove Wellhausen free from anti-Semitism, Smend goes far in neutralizing the critical voices, by emphasizing the fact that especially Liberal Jews read Wellhausen eagerly, without wondering why that might have been so! (p. 212). See also the exchange in *JSOT* (1979)12: 63-69, (1980)18: 105-107, (1981)19: 110-111 between W. McKane and J. Blenkinsopp, as well as the ch. III.5 on "Wellhausen and Judaism," note 11, below.

<sup>15</sup> R.J. Thompson 1970: 78-85. In addition to the names presented by Thompson, I would like to mention an attack on biblical criticism by Rev. Dr. Abraham Cohen, which appeared in a sizable article in the *Jewish Chronicle* of July 13th, 1923, entitled "The Bible and Modern Criticism." Cohen illustrates his criticism by using the Gilgamesh epic, of which the unity of authorship is not doubted by anyone, as he suggests, and splitting it up, thereby creating two different and independent imaginary sources from which the "later" unified version was created.

<sup>16</sup> Thompson 1970: 80, 81.

## II. *Prelude to Biblical Criticism*

### II. 1. *Ancient Criticism of the Hebrew Bible*

This chapter will explore some of the forces that preceded modern, 19th century Bible criticism.<sup>1</sup> It is naturally impossible to deal with every aspect as the sheer volume of the material and the complexity of the interrelationships between its various components are far beyond the scope of this thesis, and many of the issues have been dealt with in other studies. A full analysis of the relationships among these factors, however, remains a desideratum.<sup>2</sup>

At the outset, it is important to pay some attention to defining two extremely important, non-synonymous, yet often closely connected concepts that are crucial for an understanding of the origins of the 19th century biblical criticism: "polemics" and "biblical criticism;" the distinction between which is blurred at times in today's scholarly literature.<sup>3</sup> This is not surprising, as very often they deal with the same questions, find the same answers, and are sometimes even conducted by the same groups; and while their motivations and purposes are wholly different, the mechanism at work is often the same. This is the reason why, at times, the line between the two seems to be very thin indeed, and especially as time progresses one may end up with "critical polemics" or "polemical criticism." However, when studying the various polemical and critical literatures, one should never lose sight of the conditions surrounding the origin of these texts and their intentions, so that a solid assessment of them within their historical contexts might be arrived at. Moreover, whereas biblical criticism *per se* neither implies hostility nor leads to it, but deals with legitimate questions; polemics bear an intrinsic hostility and the kinds dealt with below are experiencing a revival in the present day in the form of political propaganda. Only when it is kept in mind that we are dealing with two different qualities will it be possible to determine more fully how a more general development of ideas might have evolved.

Simply put, biblical criticism, like any form of literary criticism, aims at achieving a better understanding of the text at hand, in this case the Bible.<sup>4</sup> Various aspects may be emphasized, including the search for an *Urtext*, the identity of author(s), the origin of different parts of the text (sources), and the historicity of the characters and events. Most of these issues arise from difficulties and inconsistencies encountered within the text itself. A prerequisite, however, is the necessity of viewing the Bible not as an absolute divine creation but as a human product, as literature, at best divinely inspired, and of viewing the events described in it not necessarily as factual. With this in mind, one should be aware of a related problem often encountered in modern studies on biblical criticism. This is the over-enthusiastic dubbing as "father, founder, or precursor of biblical criticism" any individual or school of thought that may have had any argument concerning the text that seems to be

echoed in modern biblical criticism.<sup>2</sup> Whereas pre-critical readers of the text may have recognized the same textual difficulties, with their sure knowledge of the absolute infallibility of the text, their response would result in an apologetic harmonization of the difficulties or, at best, a criticizing of the *interpretation* (either of the text or of the interpretative dogma) of others. Even those who would have allowed themselves a certain measure of daring here or there, like e.g. Abraham Ibn Ezra (1089-1164), cannot be called critical in the sense implied here. Spinoza comes much closer, even though his criticism was a tool in substantiating his philosophy with regard to society and religion in general.<sup>5</sup>

In contrast, "polemics" are conducted with either the divine nature of Scripture or of a rival Scripture in mind and they are always competitive; and, not only are the text and its interpretation criticized, but the group presenting them. The former might be identified as so-called "in-group" polemics. At stake is the correct interpretation and self-definition of the groups involved and the discrediting and/or ridiculing of opposing groups. Within the Jewish world, this form of polemics can be seen among the Samaritans, Karaites and other schismatic groups as against Rabbinic Judaism, and vice versa. Islam, on the other hand, can be placed in the latter category, as the Qur'an is presented as the rival scripture to the Hebrew Bible as well as superseding both it and the Christian New Testament. Christianity, then, occupies a place somewhat in between, as it both challenges Judaism's interpretation of the "Old Testament," while retaining it as holy scripture, yet at the same time introduces a new scripture in the form of the New Testament.<sup>6</sup>

The late classical and medieval periods have yielded a rich harvest of polemical literature between practically any group taking an interest in the Hebrew Bible, and Judaism.<sup>7</sup> A typically Christian form of this literature is the "disputation" in which a Christian and a Jewish character discuss the merits of their respective religions, ask critical questions, etc. Of course, as this is the *raison d'être* of such tracts, the Christian always wins.<sup>8</sup> It should be emphasized that each of these polemical expressions has generated Jewish responses, which grew into an independent literature.<sup>9</sup>

Below I will deal with some examples of polemical/critical literature insofar as they deal with reactions to the Hebrew Bible that illustrate the development of biblical criticism. It will become clear how arguments from various groups evolved and were re-used by other groups. A positive effect was that polemical attacks evoked creative answers from the attacked group, which in turn would contribute to internal growth and understanding of the text. A negative effect, however, was that, as one of the foci of anti-Jewish polemics was the actual rejection of Jews and Judaism rather than just Jewish interpretation of the text, these arguments would experience a lively trade with at times fatal repercussions.

### a. *The Hellenistic Period*

Attacks on the Hebrew Bible, or themes in Jewish history, go back to at least the mid-Second Temple period (3rd century BCE), which period also saw the translation of the Hebrew Bible into Greek in Egypt. Much has been written on this topic, and this is not the place to delve too deeply into the various anti-Jewish opinions that roamed the ancient classical world, other than highlight some especially poignant examples of ideas that would evolve over the ages and prove extremely persistent, even to the extent that in time they would appear again and again in various guises. This chapter deals with some voices from antiquity, Gnosticism, early Christianity, and Islam so as to compare a number of ideas that are fundamental to each of the pre-modern biblical criticisms we will encounter. With regard to the anti-Judaism of Antiquity, it would be wise to keep Gavin Langmuir's observation in mind.<sup>10</sup> He distinguishes between the character of this anti-Judaism, which he considers to be a "dead-end" and the anti-Judaism of early and later Christianity. The intolerance of Antiquity was one among many and did not touch upon Jewish existence as such. Judaism was a legal religion and hostilities were fought out, often, on equal grounds. However, with the rise of Christianity conditions changed fundamentally: the Christian system of beliefs brought with it an anti-Judaism as a central and essential element, which was as well a necessity in its self-definition. Because of the fact that Judaism was just another alien element within classical polytheistic culture with which, moreover, it hardly had anything in common, pagan anti-Judaism could not, to any serious degree, be transmitted to Christianity.

An early example of such pagan criticism is provided by the Egyptian priest/historian Manetho, who flourished under the Ptolemies (3rd century BCE) and was the first Egyptian writer to produce a history of his country in Greek. Although his work was lost, parts of it have been preserved in Josephus' *Contra Apionem*, an apologetic refutation. However, Josephus does not seem to have come to his source directly either.

In describing Manetho, Menachem Stern sees his historical importance in being, "the first literary exponent of the anti-Jewish trend in Graeco-Roman Egypt and is the man who was instrumental in creating, or at least in popularizing, some of the oft-recurring anti-Semitic motifs."<sup>11</sup> When in his history of Egypt he deals with the infamous rule of the Hyksos, he mixes in elements from the Exodus of the Jews from Egypt, thereby projecting the common negative image of the Hyksos onto the Jews and identifying the one group with the other. Furthermore, a story is told about Egyptian lepers and polluted persons who were put to work in the stone quarries of the Nile. Osarsiph, a renegade ex-priest of Heliopolis became their leader and decreed that they should turn against Egyptian religion and only associate with members of their own group. He then sent a delegation to the inhabitants of Jerusalem who had been expelled from Egypt earlier. Together with them the polluted

Egyptians rebelled and subdued the country, introducing a reign of terror worse than that of the Hyksos. The finishing touch to this story is the identification of Osarsiph with Moses.

While the display of strong anti-Jewish sentiments in Egypt is already demonstrated in the 5th century BCE Elephantine colony, long before Manetho; the utilization of biblical themes for this purpose appears after the first major translation of the Torah into a foreign language is written. It is important to note that this vilification of Jews and Judaism is done strictly within the framework of Egyptian historiography and therefore it is not surprising that use is made of Jewish themes with which Egyptians can also identify. At the same time this is an indication of how deeply embedded were these motifs in the consciousness of the Egyptian Jews of that period, and therefore, how much aware were learned non-Jewish Egyptians of it, even before a solid canonization of the Hebrew Bible had taken place.

As said, the place where most of Manetho's writing has been preserved is Josephus' *Contra Apionem*. This work is named for another Graeco-Egyptian writer, Apion (early 1st century CE) <sup>12</sup> who, it seems, enjoyed great popularity. His anti-Jewish diatribes, too, are incorporated into a History of Egypt and he, too, uses the theme of the Exodus, the lepers, and attributes an Egyptian origin to Moses. <sup>13</sup> In addition he discredits the sanctity of the Temple in Jerusalem as well as Jewish religious customs. Moreover, he uses his statements to attack the political and civil rights of the Alexandrian Jews. He may even have been the one to have introduced the blood libel to the world, <sup>14</sup> which in a modified form would play such a venomous role during the European Middle Ages and even into early 20th century Russia.

Amos Funkenstein identifies the historiography such as produced by e.g. Manetho as a specific genre, namely counter-history. Its purpose is wholly polemical and is aimed at distorting the opponent's identity and self-image "through the deconstruction of his memory...Manetho's hostile account of Jewish history [was] based largely on an inverted reading of biblical passages," thereby turning "the Bible on its head." <sup>15</sup>

### *b. Early Christianity and Gnosticism*

With regard to what took place within the Christian orbit in its first two centuries, it is sufficient to state that two approaches to what should constitute Christianity and its attitude to the Hebrew Bible were prevalent and vehemently at odds with each other. One school of Christianity fought to retain the Old Testament for the Christian Bible; a dependence of the New Testament upon the Old was established through typological interpretation of the latter. The inclusion of the Hebrew Bible by the Church fathers really meant a total appropriation of these Scriptures while simultaneously excluding the Jews. The other school, the Gnostic <sup>16</sup> - especially in its Marcionite form - claimed that Christianity was wholly a new religion that had nothing to do with Judaism, other than having replaced it and having invalidated thereby



its previous existence, and thus presented it as an aberration. The attitude of the former is reflected in the Patristic literature. Still, the Church fathers were no less hostile to Judaism than the latter. The issue was merely whether to include or to exclude the Hebrew Bible, <sup>17</sup> a theme which will, in fact, recur in radical 19th century German Protestant Bible criticism. <sup>18</sup> While the position of the Church fathers was victorious, Marcion's and related opinions would resurface in 20th century Germany, when the same struggle was revived and once again a group of Christians intended to purge Christianity of its Jewish elements. <sup>19</sup>

The form of Christianity initiated by Marcion <sup>20</sup> and the church founded by him flourished in the 2nd century CE, and there is evidence of its existence into the 5th century. In essence, his religion implied that the God of the Jews was the creator God, the Demiurge, who was responsible for the creation of the material world and whose people were the Jews; the laws of the Hebrew Bible were given by this God and applied solely to the Jews, who did not deserve any better than these cruel but at the same time just laws. In this Marcion differed from general Gnosticism, which attributed the Hebrew Bible to Satan. He furthermore taught that the Christian messiah, Jesus was not the expected Jewish messiah from the Hebrew Bible, who was yet to come, but rather that he represented a totally unknown alien and superior god who excelled in love and mercy. This dualism was basic to all Gnostic sects.

In the Church father Justin (Martyr), we find an opposing voice to Marcion's. Among his writings, some of which are extremely anti-Jewish and others are aimed against the Gnostics and Marcionites, the clear thought of a tripartite division of history is to be discerned. Von Campenhausen explains <sup>21</sup> that as the retention of the total Hebrew Bible was integral to his system, yet with the coming of Jesus the law was abolished in the Christian mind, he solved this problem using

a 'historical' approach, that is, by organizing the Old Testament material specifically in accordance with the great epochs of salvation-history. A pre-legal epoch, down to the time of Moses, an epoch of the Law, conditioned by the obstinacy of the Jews, and then an epoch once more free of the Law but now universal to the whole human race, form a sequence which, despite the diversity of its component elements, stands wholly under the dominion of the one God, who is the God of Jesus Christ. Within this scheme the emergence of the prophetic theology, which Justin especially values as already revealing the 'eternal', purified law of God, free of all limitations and going beyond Moses, forms an additional caesura in the link of salvation-history.

This scheme, too, will not seem totally strange to the 19th century German Protestant Bible critics. However, in Justin's system, divinely inspired Scripture forms an absolute unity and necessarily contains no internal contradiction. This necessitated the incorporation of a basically Jewish conception into a principle of Christian theology. Von Campenhausen further notes that this made "possible a genuine understanding of the content of the Old Testament,

whereas the 'critical' efforts of the gnosis subordinated the ancient scriptures to a kind of speculative and mythological thought alien to their nature, and thus destroyed their meaning." <sup>22</sup> Wilson offers the following assessment of both positions with regard to their denigration of Judaism. The orthodox Christian approach was one of appropriation of the Hebrew scriptures thereby expropriating the Jews and claiming for themselves the status of a new Israel. The only use for the Jews' further existence was as a warning of the consequences of their wickedness. In Marcion's view, however, Judaism was left intact, even though considered to be inferior. Jews could continue being Jews, observing their laws and awaiting their messiah. Wilson also observes that it should be taken into account "that there is no record of the persecution of Jews by the Marcionite churches. The Catholic position, imperiously defending its proprietorial rights to the Jewish God and scriptures, could find only a negative reason for the continued existence of the Jews. The one involved a radical break which left Judaism for the Jews; the other took what it wanted and, in effect, left nothing for the Jews. Judaism is the loser in either case." <sup>23</sup>

### *c. Patristic literature*

Valuable information concerning this period and the following is provided by E.M. Gray, <sup>24</sup> who devoted an entire book to the question of the extent Christian writers up to the Enlightenment were aware of textual problems with regard to the Hebrew Bible and how they dealt with them. His chapter on Patristic literature is instructive. He stresses the point that the early Church fathers would allow themselves some freedom in their attitude to the text of the Hebrew Bible which, as shown above, was only relevant to them insofar as they could deduce any prefigurations and prophecies concerning Christianity from it: their christological motive was that by interpreting them allegorically, the commandments would be cancelled. The prime interest of the Church fathers lay in the establishment of the canon of Christian scriptures, of church dogma and policy.

Two philosophical schools can be distinguished in the patristic world: the School of Alexandria with its primarily allegorical orientation in interpretation, which it had in part inherited from Philo, and the School of Antioch (in Asia Minor) which applied the historico-grammatical approach to the text. The chief exponent of the Alexandrian school was Origen (3rd c. CE). In concert with his belief in the infallibility and divine nature of the text, it was his opinion that difficulties and inconsistencies in the text had been put there by God to remind the learned reader of its divine character and to make sure that in such cases one was to look for a deeper and spiritual meaning. For him the Bible was a vast allegory in which every detail is figurative and symbolic, all to be interpreted in a christological sense.

This position was challenged by the scholars from Antioch who instead favored a historico-grammatical interpretation. While considering the Bible to be God's word, they recognized the human element in the biblical writers as well as the historical aspects of Scripture and expressions in the text that were to be taken in their literal sense. This in turn resulted in greater attention to language, vocabulary and history.<sup>25</sup> The results, however, were seriously debilitated by the fact that, apart from Origen and Jerome, hardly any of the patristic writers had sufficient, if any, knowledge of Hebrew. In this regard it should be noted that all dealings with the text concerned the Septuagint, the Greek translation of the Hebrew Bible, which therefore also implied that they took the mistranslations, version variations, as well as interpretative and supplementing translations as constituting the exact rendition of the Hebrew Bible. The belief of the infallibility of the divine Hebrew Bible was thus transposed to the Septuagint, believed to have been translated under supernatural or divinely guided circumstances.<sup>26</sup>

#### *d. The Middle Ages*

In the part of the world once known as Babylonia and conquered by Islam during the 7th/8th centuries, we see a fascinating yet mostly unfriendly meeting ground for Islam, Eastern Christianity (such as Nestorianism), Judaism, and Persian religions. That the learned in these groups were very much aware of each other's concerns is certain, as is the fact that early on they were combatting each other's scriptures.<sup>27</sup> From the late-Patristic period, E.M. Gray<sup>28</sup> gives a late 7th century example of a list of critical questions pertaining to the Hebrew Bible. He calls it "the only categorical criticism of the Old Testament which has come down to us from patristic times..." Parts of it are quoted in a book by the patriarch of Antioch, Anastasius the Sinaite, who encountered some deserters of the Church who confronted him with "difficulties." Doubt is cast on the authorship of Moses with regard to Genesis (and probably the rest of the Pentateuch) as "it has no title, such as the rest of the books, those of the prophets, have." Inconsistencies are noticed in calculations and content.

Of great importance is Hiwi al-Balkhi's list of questions (9th c.) which was refuted by Sa'adya Gaon a century later and from whose text we know of Hiwi's questions. About his identity almost nothing is known; in fact, it is not even completely certain whether he was a Jew, and if so, whether he was a Karaite or a member of some other sectarian group.<sup>29</sup>

An example from the Christian Middle Ages<sup>30</sup> (13th c. Spain) especially worth mentioning, is the Dominican monk Raymond Martini<sup>31</sup> who penned a polemical book against Judaism, *Pugio Fidei* ("The Dagger of the Faith"), which is over one thousand pages long and which Amos Funkenstein<sup>32</sup> has called "the most learned and best documented polemic

against Judaism which the Middle Ages produced." What makes this work particularly interesting for the present thesis, is Martini's introduction of the *tiqqunei soferim* (scribal adjustments) in his discussion as proof of the Jewish corruption of the biblical text. Of course, he also uses the standard charge of Jewish distortion of the true (i.e., christological) messianic allusions contained within the Hebrew Bible. Martini summarizes his argument with the telling condemnation of the Jewish scriptures as being "deceitful, stealthy and moreover mendacious."<sup>33</sup> This period saw an evolving of the nature of Christian anti-Jewish polemics from a) the old pattern of proofs for the truth of Christianity and christological readings taken from the Bible, to b) the use of rationalism to demonstrate the superiority of Christianity, c) to the growing awareness of post-biblical Jewish sources and the attempt to prove the Christian claims from them, and finally d) the use of the Jewish tradition itself.<sup>34</sup>

#### *e. Islam*

Lastly we will look at the attitude of Islam towards the Hebrew Bible. Before entering into an analysis of the problem, it is useful to qualify a few points. The presentation of the Muslim critique is twofold. Aside from an independent traditional criticism, appearing perhaps as a political/religious tract, inspired by local circumstances at the instigation of a ruler or religious leader, there is a second format which is typical for Islamic religious and intellectual culture. In this case the criticism is contained within general travel logues and, if this modern epithet may be applied, works of comparative religion that were in part induced by the expanding orbit of Islam and subsequent encounter with new peoples and cultures. While there certainly is a degree of intellectual curiosity involved in these studies on the part of their authors, Gh.H. Aasi, in his work on Ibn Hazm, observes that they would therefore not "be free of apologetics, polemics, and value judgements."<sup>35</sup> Conversely, neither are all works on comparative religion per se rooted in polemics. A case in point is the 14th c. historian Ibn Khaldun, who, unlike e.g. Ibn Hazm, approaches the Bible and Judaism as a historian rather than as a theologian. He belonged to a type of Islamic scholar who 'only' charged Jews and Christians with *misinterpreting* the Bible, as opposed to the type which accused them of corrupting or falsifying the text.<sup>36</sup> "Still, the common element for the treatment of these differing religious traditions was the scholar's conviction of the truth of Islam and the unity of all truth,"<sup>37</sup> as well as the refutation of false doctrines. This was particularly important for Islam, the youngest of the three world religions that base themselves on a revealed tradition. It was the objective that through this particular kind of literature it could prove both its pre-eminence and its truly primordial nature, especially as compared to the two older "religions of the book," i.e., Judaism and Christianity. This point is best explained by J. Waardenburg:<sup>38</sup>

In the Muslim view there is one primordial religion which has existed from the beginnings of humanity and is given with man's innate nature. This primordial religion has moreover been revealed at regular intervals through the intermediary of prophets sent by God. The history of the many religions is basically, then, the history of the primordial and revealed religion through the prophets from Adam to Muhammad and of the response of the prophet's communities to their warnings and revealed books. The differences between the religions are due not so much to difference in revelation as to specific historical factors and in particular to the different peoples' *distortions of their prophets' fundamentally identical teachings* [Italics mine]. This is what may be called a 'theological' vision of religion which contains the elements of an Islamic 'theology of religions': there is one God of whom man has to become conscious and whose will he has to follow, there is one Revelation which is contained in its uncorrupted form in the Qur'an, and there is one Religion which is the primordial and eternal Islam.<sup>39</sup>

More than in any of the examples of polemics presented earlier we see concerns voiced previously come together in the Islamic approach. The converging lines make up a web of pre-Islamic insights brought in from Antiquity, Christianity, and sectarian Judaism through converts from these groups to Islam as well as original Islamic contributions to the debate. In a concise study, Hava Lazarus-Yafeh<sup>40</sup> deals with the nature of the critique of the Hebrew Bible found in Islamic thought and literature. She illustrates the existence of a continuous transmission of ideas from pre-Islamic pagan, Christian, Gnostic criticism of the Bible into Islam and elaborates on the thought of a subsequent cross-fertilization of aspects of biblical criticism from the Muslim world via later Jewish and Christian mediators to early modern Bible criticism.<sup>41</sup> This study, as well as a number of others,<sup>42</sup> presents an overview of the issues that characterize Muslim Bible criticism. The most important voice for these arguments is no doubt the 11th century Andalusian author Ibn Hazm. Even though Lazarus-Yafeh<sup>43</sup> credits him with being "the first Muslim author to use a systematic scholarly approach to the Bible," the fact cannot be overlooked that his is one of the most venomous anti-Jewish voices in this respect,<sup>44</sup> aside from those of some Jewish converts to Islam.<sup>45</sup> Among the main critical arguments against the Hebrew Bible, none of which, by the way, originated with Ibn Hazm but which were transmitted by him from older tracts,<sup>46</sup> we find:

- 1) the transmission (*tawatur*) of the Torah is considered to be unreliable; i.e., there were very few copies at first, jealously guarded by the priestly elite; it was lost in the various exiles, and, furthermore, the text was forgotten by the people. For Ibn Hazm this aspect as well as the existence of differing versions of the Hebrew Bible supported his notion that none of these versions represented the "original" Torah: that they were late, and therefore could not represent a truthful picture of the earliest history; and, consequently that there was no continuity between Israelite religion and contemporary Judaism. This latter point is reminiscent of Wellhausen, as we will see below (Chapter III.5);<sup>47</sup>

- 2) the Jews falsified the original divine Torah (*Tawrat*) and the Torah as they have it now is really a forgery (*tahrif*) <sup>48</sup> concocted by Ezra the Scribe <sup>49</sup> following the return from the Babylonian Exile. The accusation of falsification is, in fact, found in the Qur'an itself;
- 3) the repeatedly occurring anthropomorphisms (*tajsim*), perversions of characters, and
- 4) the notion that the God of Judaism does not seem to be able to make up His mind, i.e., He reconsiders and repents of His own actions; <sup>50</sup>
- 5) geographical data and chronologies show inaccuracies; <sup>51</sup>
- 6) mathematical and computational discrepancies; <sup>52</sup>
- 7) and to top off the list, the Jews were accused of having killed their own prophets. <sup>53</sup>

While the reliability of the Jewish tradition concerning the Torah and the text of the Torah itself were discredited, <sup>54</sup> it is important to remember that at the same time Islam considered the Jews of having been worthy initially to receive the original revelation from God. This, however, would only be temporary until Islam would arise, signifying the final revelation and thereby abrogating all previous religions. In order to establish the authority of the Qur'an as revealed scripture above all others, it had to become superior to them in every aspect, in content as well as form. While there were discussions from the earliest days of Islam concerning the very nature of the Qur'an - was it created by God or uncreated, i.e. co-existent with God - in the end it became generally accepted that the Qur'an was eternal, perfect, and inimitable. This notion was elevated to become the first doctrine in Islamic law, the *Shari'a*, which likewise was regarded as eternal. The language and grammar of the Qur'an became the standard for later Arabic. <sup>55</sup>

It was further claimed that when the Jews proved to be rebellious and corrupt, they willfully falsified the Torah and stripped it of all the original references to the advent of Muhammad and Islam. <sup>56</sup> Yet, even in the rewritten version of Ezra, remainders of the "original Torah" were still to be found. Needless to say, these remainders would constitute the "hidden" references to Muhammad and Islam. Especially the Jewish converts to Islam, with their knowledge of the Hebrew Bible and the art of *gematria*, proved experts in combining the various arguments and working them into a comprehensive theory.

Undoubtedly the best known among these Jewish converts is the 12th century man of sciences, Samau'al al-Maghribi, who is responsible for producing the first Muslim compendium of anti-Jewish polemics, <sup>45</sup> and who in his tractate relied heavily upon Ibn Hazm. Samau'al presents the following reasoning for the above arguments: <sup>57</sup>

The faith of the Jews is based on their concept of the scriptures, of the scriptures' reliability as a record of the past and their validity for the future. The critique of transmission is to demonstrate that the first premise is a fallacy; the theory of abrogation is to undermine the second premise.

Yet, as said, at the same time Muslim theologians and polemicists searched the Hebrew Bible for certain proofs of their own religion and for the very important idea that Islam formed the abrogation (*naskh*) of the previous religions and the Qur'an of both the Hebrew Bible and the New Testament. Jewish converts were very apt at applying the art of *gematria* <sup>58</sup> in order to find predictions concerning and even the actual mentioning of the name of Muhammad and prefiguration of the advent of Islam (*a'lam*). <sup>59</sup> by identifying certain words in the Hebrew Bible that have the same numerical value as the name of Muhammad or relevant concepts in Islam. Important, too, was the notion that God would reconsider earlier promises if circumstances would warrant it. Such cases were seen as proof within the text for abrogation which, then, in turn would become a positive proof for Islam. Many more arguments can be found in the literature given in the footnotes.

While there is evidence for a transmission from the critique on the Hebrew Bible as expressed by late Hellenism, straight into the orbit of Islam, a cross-fertilization out of Islam into modern European thought is highly speculative and less easily demonstrable. <sup>60</sup> Among the factors complicating this idea we find, for instance:

- 1) Moshe Perlmann <sup>61</sup> concludes that the polemical literature of Islam specifically aimed against Jews and Judaism "is poor and insubstantial." Moreover, there is hardly any evidence of a Jewish reaction. Jews and Judaism were not considered important within Islamic thought. <sup>62</sup> Moreover, the impact of the writings of Ibn Hazm may also be in serious doubt. <sup>63</sup> Samau'al, who wrote more than a century later seems to have been more effective as his tract was made use of until at least two centuries later.
- 2) Another weak point is presented by the question of the extent to which some of the 19th century biblical critics, who were also accomplished Arabists (as was Wellhausen himself), <sup>64</sup> may or may not have been influenced by, or even have been aware of, the anti-Jewish Muslim polemical literature. As Rudolph points out, Wellhausen and his fellow Arabists were mainly interested in finding similarities to supposed ancient Israelite nomadic life in early Islamic literature and poetry as well as in Bedouin life, which was to a certain point even considered to be a reflection of the life of the Hebrew Patriarchs.
- 3) Perlmann <sup>65</sup> attributes the mood of religious and philosophical openness visible in 11th century Spain to the fact that "all the faiths were confronted with the spread of skepticism among the educated, with attempts at rationalist critique spurred by the impact of the hellenic heritage." This same spirit can be observed as well in later centuries under different circumstances, due to different challenges, without the necessity of influences of prior events.
- 4) At least a century before Kuenen, Graf, and Wellhausen, Astruc (see chapter III.1 below) already suggested the existence of two sources based on the divine names.

The above notion of Islamic attitudes toward the Hebrew Bible having influenced European biblical criticism is given a radical twist by a Dr. Isma'il R. Al-Faruqi, who is only identified as "an exponent of fundamental, traditional Islam" in the foreword of the collection of essays in which his contribution appears. "One paragraph, entitled "Islam's Critique of Judaism:" which ends with an enumeration of all the charges voiced by Ibn Hazm and others, is especially worth quoting at length:

The content of Islam's critique of Judaism was not new. But its basing of that critique on Hebrew Scripture and its presentation of it as textual criticism of Holy Writ is. In this, Islam set a precedent for biblical scholarship of modern times. It is not far-fetched to assume that the fathers of biblical criticism - Wellhausen, von Graf [sic!] and Kuhnel [sic!] - who were the foremost Islamicists of their day, were moved by the Quran's textual criticism of the Bible to launch the new discipline. For their assumption was the Quran's basic charge, namely, that the extant text of Jewish Scripture has been tampered with by human hands and that human writ has been mixed with divine writ. This charge, made by the Quran repeatedly, and amplified in almost every Islamic treatise in comparative religion, might have moved the Orientalists to investigate the biblical text rationally in order to refute the Islamic claim. But a rational consideration of the biblical text, with minimum information about the points elaborated by Islamic literature, is all that is necessary to expose the veracity of the charge, and to seek ways of explaining it away or justifying the multi-layer theory (J. E. D. P) of the formation of the biblical text. Just as on the Muslim side, the Quran has made possible for the first time the consideration of the biblical text with the eye of a critical historian, and enabled Muslim scholars to conduct critical analyses of the biblical text, on the Christian side, the same charge coupled with the rationalist, reforming and scientific tendencies of the Enlightenment might have laid the foundation of the modern discipline on biblical criticism through the works of the aforesaid three Islamicists.

#### *f. Concerns*

In an evaluation such as this, the difference between the nature of religious polemics and that of scholarly biblical criticism should be kept in mind, the former originating from the need to discredit or disqualify an opponent, the latter from the intention to explore difficulties in order to find their "true" meaning or origin. The problem is that these two areas are not always clearly defined and apply similar methods. In other words, one may be confronted with a polemical tract that uses scholarly methods to affirm its conclusions, or a work of scholarly biblical criticism that betrays underlying anti-Jewish prejudices. The weighing of such works will decide whether in the end their intentions are scholarly or polemical. And while, of course, the study of polemical literature may serve academic ends, the intrinsic purpose of this type of literature was and still is political rather than educational, although it may contain edifying elements.

An example from the ancient literature that has been cited above concerns the issue of ascribing certain biblical books to much later periods than tradition would have it, such as dating prophetic texts to the periods about which they purport to prophesy. This happened



to, among other books, the Book of Daniel, which Porphyry, for instance, assigned to the Maccabean period.<sup>67</sup> In conjunction with the whole discussion (note 49 below) on the role of Ezra in the transmission of the Torah, one cannot help but wonder whether something else is at work here as well, besides a favored proto-critical and historical understanding of the text. In pre-modern times, the greater the antiquity a tradition or a people could claim for its origin or history, the greater were the value and prestige they received. However, these same claims could also arouse jealousy. One way to discredit a rival was simply to deny his antiquity. This could be done either by attacking the perceived authorship of a sacred text by picking up on existing traditions and turning them around, such as transforming Ezra from rescuer and restorer of the Torah to falsifier and corrupter of the tradition; or by casting doubt on the validity of certain institutions, such as prophecy. That this approach was not strange to Hellenistic-Jewish tradition either is evidenced by, for example, Artapanus, through whose work the notion was communicated that Egyptian culture and its religion with all its idolatrous and polytheistic elements, were shaped by Abraham, Joseph, and Moses. Similarly, the idea that the Greeks derived all of their philosophy from the Jews, is found in the works of the philosophers Aristobulus of Paneas (early 2nd c. BCE) and Philo (ca. 20 BCE - 50 CE), as well as the historian Josephus (ca. 38 - 100 CE). Aristobulus, e.g. suggests that before the Torah had been translated into Greek as the Septuagint, earlier portions had been rendered into Greek and had reached Pythagoras, Socrates and Plato, thus forming the basis of their philosophy.<sup>68</sup>

A modern case in point is the literal revival of the old Muslim arguments of biblical criticism in present-day Arabic anti-Zionist polemical works that are disguised as works of political science and sociology. An impressive number of these works are chronicled by M.Y.S. Haddad,<sup>69</sup> who ends his chapter on the functioning of modern Muslim polemics with the very relevant observation that,<sup>70</sup>

Nevertheless, Muslim polemics concentrate more on the Torah which is conceived as the guideline of Jewish behaviour. In this connexion it can be seen as an extension of the classical Muslim polemics against the Jews. In any case, these polemics must be considered in the light of the present situation in the Near East since the intrusion of Zionism into the area and the establishment of the State of Israel, which led to the expulsion of Palestinians from their country and the occupation of different parts of the surrounding states. A high degree [of] tension exists and Muslim polemics against Jewry express it clearly.

With regard to the transition of polemical themes, Haddad offers the following striking example, which is especially interesting as it combines a number of ideas, one of which we dealt with at the outset of this chapter.<sup>71</sup> He quotes a certain Ahmad Sousa (presumably from Syria) from a 1975 publication, who comments on the story of the Exodus:

It is from Manetho's story told by Josephus 100 B.C. about the war between the Egyptians and the Hyksos in the 14th century B.C. that the authors of the Torah got the material to reconstruct their story, the Exodus, and related it to their supposed ancient history. They thereby produced an artificial picture of the Israelites whom they related to the oldest and most sacred personalities of ancient times.

Another example is the strange odyssey of the pernicious myth of the Protocols of the Elders of Zion <sup>72</sup> straight into Iran, or the inspiration political cartoonists from the Arab Middle East have drawn from their colleagues from the Third Reich, who in turn were inspired by medieval myths of demonization!

### *g. Concluding Remarks*

All in all it should become clear that, on the one hand, 19th century biblical criticism, while not necessarily a direct offshoot of earlier polemical literature, may be considered an heir to the issues raised in this earlier body of literature. On the other hand, Hoffmann's refutation is likewise a direct heir to the age-old Jewish responses to these polemics, if not fitting altogether into the tradition of apologetic literature. Trautner-Kromann, <sup>73</sup> in dealing with the category of polemical Bible commentary, points out:

While an ordinary Biblical commentary, for example, explains the meanings of individual words or whole sentences in relation to the Biblical text *itself*, to help the reader understand the text as such, a polemical Bible commentary takes its point of departure in a disputed Bible passage, not only to explain its particular meaning, but also to relate it to current circumstances of life and social conditions that concern the reader and commentator. The Bible text is given topicality and a new meaning with contemporary relevance. An ordinary running Bible commentary will thus only be polemic to the extent that the theme of the text or its associations can be used as a starting-point for a reaction to a specific current Christian interpretation or pressure. A deliberate, consistently polemic text, whether it takes the form of a review of controversial Bible passages or a handbook of polemics against the Christians, will on the other hand reflect massive and varied Christian pressure and thus reproduce the subjects of debate, the themes that were topical, precisely in the period when the author lived.

If we replace "Christian" with "critical," this description defines to a great extent Hoffmann's *Instanzen*, as well as a great deal of his more general exegetical work.

It seems appropriate to end this chapter with a full citation of the concluding words of Waardenburg's article: <sup>74</sup>

...there is no evidence that Muslims saw either Buddhist and Hindu, or Jewish and Christian faith at all. What they saw in fact were images developed within their own cultural and religious orbit; they simply had their own ideas about non-Muslims, developed on the basis of some Qur'anic and *hadith* texts, some knowledge of the Bible, and some growing empirical perceptions and observations. What was lacking seems to be a proper notion of the other's religious existence, an ideal of understanding the other in terms of his own culture, history, and social setting, and the effort to see the other in terms of universal and not specifically Islamic rules and problems. Time was not yet ripe to interpret a particular religious doctrine or other phenomenon as a

specific and culturally conditioned solution to certain universal problems of man's existence. This gives to so many Muslim judgments the same provincial character which is striking in so many Christian opinions too about other religions, so that on this score these religions are on the same footing.

- <sup>1</sup> See also the discussion in Thompson 1970: 4-10, who emphasizes the influence Gnostic critical thoughts vis à vis Mosiac authorship of the Hebrew Bible may have had on e.g. W.M.L. De Wette.
- <sup>2</sup> Salo W. Baron 1965, in his monumental multi-volume *Social and Religious History of the Jews*, devotes a chapter 24 in vol. 5) to the interplay between Christian, Muslim and Jewish forces and the resulting polemical literatures. He looks at the many factors that played a role in that development. More recently, see now Mark Cohen 1994: 139-161.
- <sup>3</sup> While, e.g., Aasi 1987, is careful to make this distinction on pp. 95-96, he makes no qualms on p. 101 when he refers to Origen, Jerome, Augustine, and the Rabbis as "founders of biblical criticism." Cf. also pp. 41, 55, 75, 77. Lazarus-Yafeh 1992: 66 and elsewhere. "While his [Ibn Hazm's] arguments against the Torah (and the New Testament) are expressed in polemical, almost anti-Semitic terms, replete with ridicule of and revulsion for the Jews, his level of argumentation and systematic critical approach to the text often equals the standard of modern Bible criticism," and p. 130, "...they [Muslim medieval authors] developed a kind of Bible criticism very close in nature and detail both to earlier pre-Islamic Bible criticism and to the beginnings of later scholarly European Bible criticism." Finally, on the back of Zaharopoulos' 1989 book on Theodore of Mopsuestia we find "Theodore of Mopsuestia! His name was reviled for centuries as a Nestorian heretic, but he is now often praised as the father of modern biblical criticism." Other nominees are Ibn Hazm, Ibn Ezra, Spinoza, and La Peyrère.
- <sup>4</sup> Instructive is Barton 1984: 23-24. Also Barton 1984a: 20-28.
- <sup>5</sup> Cf. e.g. Walther 1991 who questions the consistency of Spinoza's hermeneutics in the *Tractatus Theologico-Politicus*, especially as reflected in its sixth chapter on miracles. See on Spinoza further below, ch. II.3.
- <sup>6</sup> Cf. Segal 1981 for a discussion on the relationship between polemical interpretation and group self-definition, esp. in relation to Gnostic beliefs versus Judaism.
- <sup>7</sup> Grant 1945, offers an overview of various aspects of early critical attitudes, including a comparison with classical Greek criticism of its own literatures, putting it in perspective with the later criticism projected at the Hebrew Bible.
- <sup>8</sup> Williams chronicles this literature in *Adversus Judeos: A Bird's-Eye View of Christian Apologues until the Renaissance*, 1935. (Depending on whose point of view, polemics can probably become "apologues.") Manuel 1992, treats the period immediately following the one which is the topic of the previous title until modern times. Dealing specifically with the Middle Ages, cf. e.g. J. Cohen 1982.
- <sup>9</sup> The *EJ*, under the headings of "Polemics," "Apologetics" and "Disputation," offers a few relevant overviews of this literature, its history and dissemination. That the editors of the *EJ* were not entirely careful in presenting an exact definition of each of these concepts has been noted by Trautner-Kromann 1993: 2-6. She offers her own attempt at clarifying this terminology. Chs. I, II and V in their entirety are also useful in this context. Further, Berger 1979; Lasker 1977 and 1990-91: 121-149; and as well e.g., Shamir 1975 who deals with a 14th century text from Spain. Furthermore, the famous *Hizuk Emunah* by the 16th century Karaite author Isaac Troki.
- <sup>10</sup> Langmuir 1971. Very much of value, too, in this respect is De Lange 1991: 26, 29, 35. He explores the nature of the various kinds of anti-Semitism, the term anti-Semitism itself and its applicability. Especially instructive are his thoughts on the differences between pre-Christian pagan and Christian attitudes as well as the role of the Egyptian attitude of classical times vis-a-vis the Exodus motif.
- <sup>11</sup> M. Stern 1974, *Greek and Latin Authors on Jews and Judaism*, 3 vols. This magnificent work is a veritable treasure trove of sources. The material concerning Manetho is found in Vol. I: 62-86.
- <sup>12</sup> Stern 1974 I: 389-416.
- <sup>13</sup> See below, note 54.
- <sup>14</sup> Stern 1974 I: 411-412.
- <sup>15</sup> Funkenstein 1993: 36-38.
- <sup>16</sup> Wolfson 1956 I, Ch. 17: Gnosticism, 495-574; Ch. 18: Heresies, 575-608. See also Gershenzon and Slomovic 1985, who discuss some of the general Gnostic positions and the Jewish reaction.
- <sup>17</sup> In M. Simon's *Verus Israel*, 1986, we find a comprehensive study of the issues involved.
- <sup>18</sup> A very clear case in point is Paul de Lagarde (1827-1891), a German philologist, theologian and political theorist, whose scholarship in Bible criticism, linguistics, and Oriental studies was widely acknowledged. His thought, however, is problematic because of its contamination by German populist interpretations of religion, national identity and fate, as well as its disastrous dualistic outlook on the roles of and relationship between Jews and Germans as representatives of the forces of darkness and light respectively. This resulted in his taking a "Marcionite" position with regard to the Bible, demanding a Christianity purged of all Jewish elements. These

- ideas combined enabled him to design a new German, "Aryan", religion. Cf. E. Stern 1961, Section I, "Paul de Lagarde and a Germanic Religion," esp. p. 42. Also, Katz 1980: 305-306; Jansen 1981: 153.
- <sup>19</sup> Blackman 1948: 122, quotes A. von Harnack (whose voluminous study *Marcion: Das Evangelium vom fremden Gott* 1921 was for a long time considered to be the definitive study on Marcion) as saying: "The rejection of the Old Testament in the second century was a mistake which the Great Church rightly refused to make; the retention of it in the sixteenth century was a fatal legacy which the reformation could not yet avoid, but for Protestantism since the nineteenth century to continue to treasure it as a canonical document is the result of a lameness which affects religion and the Church." That, however, Harnack was not an all out anti Semite and stood truly more in Marcion's line of thinking, is shown by R. Rendtorff 1983: 4-5. G. Stroumsa 1992 demonstrates that Gnosticism was widely studied by 19th century French and German theologians. For the persistent nature of certain elements of Gnostic thought and their integration into 19th and early 20th century anti Jewish and racial interpretations of Christianity, see e.g. Katz 1980: 304-317; Jansen 1981: 153, 283-288.
- <sup>20</sup> See e.g. Wilson 1986. On Marcion's and other Gnostics' use of Scripture, see Von Campenhausen 1972: 62-101, 147-167. For Marcion's relation to the Hebrew Bible and the Jewish God, see Blackman 1948: 113-124, and more recently, Segal 1977: 234-244.
- <sup>21</sup> Von Campenhausen 1972: 97.
- <sup>22</sup> *Ibid.*, p. 191.
- <sup>23</sup> Wilson 1986: 58. Also, Berger 1979: 6.
- <sup>24</sup> Gray 1923.
- <sup>25</sup> Zaharopoulos 1989: 108-111. While highly readable, this study also shows an overzealousness with regard to finding too modern critical voices too early in history, such as: "The school of Antioch has been credited with the honor of being the first to have formulated a system of biblical interpretation that approached more nearly than any other early Christian school many principles of criticism which are now accepted by those who acknowledge the validity of the categories of modern biblical criticism." While there might be some truth in it, it is far too speculative, especially seen within the context of the rest of the study. Being of a rational mind may in itself have provided sufficient ground for a very textual and more historical approach, especially among those who were more or less emotionally removed from the Hebrew Bible. More reserved is Tyng 1931: 298-303. See further, Greer 1961, esp. the chapter "Theodore's Exegetical Method," 98-111.
- <sup>26</sup> See Shutt 1985 on the pseudepigraphal text "The Letter of Aristeas." Also, Orlinsky 1975; Amir 1988: 440-444. With regard to later charges of falsification in Islam it is worthwhile to note Tov 1984 who discusses the origin of certain variants between the Septuagint and the Masoretic text of the Hebrew Bible. Added to this should be the accusations of falsification between early medieval Patristic and Jewish writers with regard to the diverging chronologies in the Masoretic text and the LXX; the latter offering a more extended one than the former. Cf. Wacholder 1968: 453-454.
- <sup>27</sup> For the intricacies of this polemical triangle, see Griffith 1988: 65-70 regarding matters related to Scriptures.
- <sup>28</sup> Gray 1923: 45-47.
- <sup>29</sup> Sa'adya's refutation, so far as it survives (parts have been recovered from the Cairo Genizah), was published, translated and annotated by Davidson 1915. For an analysis of this text and its author see Rosenthal, 1947-48, with excellent analytical and bibliographical notes. Rosenthal places the queries raised by Hiwi into the perspective of other early medieval eastern critics of the Hebrew Bible that could be found among Zoroastrians, Moslems and Christians as well as among the myriads of sectarians, exploring the religious-intellectual milieu of that period and points at possible cross influences between the various groups. He also points to similarities between Hiwi and the "She'elot Atiqot" (see below) and deals as well with the nature of the criticism. More recently Fleischer, 1981: 82: 49-5, describes a Genizah text that may actually originate from Hiwi.
- Although, as said, one has to be careful when projecting such an utterly modern term as "biblical criticism" onto an earlier period, a look at how medieval scholars, working within the Tradition, and their opponents, considered sectarian or heretical, dealt with difficulties in the Bible text can certainly yield interesting results. An example may be found in the long standing (and possibly not yet finished) odyssey of the following text, which forms a valuable addition to the material contained in the Hiwi al-Balkhi polemic: Schechter, "Geniza Specimens: The Oldest Collection of Bible Difficulties, by a Jew," 1901, deals mostly with the issue of why this particular text probably would not qualify as a Karaite commentary, and gives examples of Karaite and Rabbanite commentaries on various biblical verses to support this. Pertinent to the present chapter is the outline of the difficulties that the author of the text perceives as existing in the Bible text: linguistic-stylistic difficulties, e.g., the unclear style of Scripture; inconsistencies; superfluous words, and repetitions. More serious is the observation of many chronological problems in the text; that various biblical books contradict each other at occasion; and that the ethics contained in them are incompatible with and inferior to the moral nature of God. Of course, the chronological problems had already been noted by both Rabbanite and Karaite authors, who had tried to resolve them. The author of this text, however, indicates that he considered their kind of problem solving "as mere apologetic trash." Further discussion of this text is found in: Bacher 1901; Poznanski 1901; Porjes 1902; 1908; Seligsohn 1903; Rosenthal 1948; Sonne 1951; Scheiber 1956, 1957, 1965, 1966, 1967, 1978; Aloni 1959; Wieder 1962: 92-94; Fleischer 1967, 1980. In two recent articles, 1993: 301 and 1993a: 223, U. Simon rejects Fleischer's (1980) suggestion of identifying Yishaki with the author of the *She'elot*.

- <sup>30</sup> For this period and its special polemical literatures in general, see Baron, 1965, vol. 9, chapter 39 and the literature in note 9 above.
- <sup>31</sup> J. Cohen 1982: 129-169; Williams 1935: 248-255. Williams and many others identify Martini as a converted Jew. However, Cohen 1982: 130 note, presents convincing evidence to the contrary.
- <sup>32</sup> J. Cohen 1982: 129, note 1 (= Funkenstein 1970: 173). See further, Funkenstein 1986: 239, note 63. See on Martini also Baron, vol. 9, 1965: 106-108; Bonfil 1971. Frank Talmage 1967: 213, note 4, observes that Raymond Martini actually used R. David Kimhi's commentaries to further his own polemical agenda.
- <sup>33</sup> McCarthy 1981: 52-55. Cohen 1982: 148, 159-160. "Soferim," *EJ* 15: 79-80; "Tikkun soferim," *id.* 11:39-40.
- <sup>34</sup> Cf. Funkenstein 1971.
- <sup>35</sup> Aasi 1987: 28. Even stronger, on classifying Ibn Hazm's work "as a book of comparative religion," C. Adang 1996: 65, adds "that this is not quite accurate since the aim of the work is polemical and not descriptive."
- <sup>36</sup> Fischel 1958: 156-157. Ibn Khaldun does, however, note inconsistencies in the text.
- <sup>37</sup> Aasi 1987: 28, distinguishes four types: a) accounts of dialogues between a Muslim and a non-Muslim; b) letters of persuasion and conversational discussion, with argumentation of differences; c) general refutations of other religious traditions by new converts to justify their own conversions; or responses to general polemical literature advanced against Islam or to inform the general public about these polemics; and d) general studies of religions not purely based on polemical or apologetical interests, but with the purpose of comprehending the unity of truth and the diversity of religious traditions. For our purpose two will suffice, however.
- <sup>38</sup> Waardenburg 1979: 245-275 offers a valuable analysis of this particular literature, presenting examples from early Muslim studies on Buddhism, Hinduism, Judaism, and Christianity, all dealing with an assessment of the critical tenets of these religions from the vantage point of Islam. On pp. 248-9 the several phases during the encounter of Islam with a great number of other religions is presented. In conclusion the way Islam classifies the shortcomings of the various religions in order to demonstrate its own superiority over them is summarized.
- <sup>39</sup> Waardenburg 1979: 246-7. A striking parallel can be observed in Maimonides' statement in *Hilkhot Avoda Zara*, ch. 1, which contains his 'sociology of religions,' where naturally, Judaism is presented as the primordial religion. It could be asked whether not his statement might have been made in response to this general notion of Islam.
- <sup>40</sup> Lazarus-Yafeh 1992. Unfortunately, this very useful book with excellent bibliographical information in the footnotes lacks a bibliography; moreover, a certain degree of sloppiness in both index and notes makes cross-referencing sometimes hard. See on the issue of possible Muslim influence on the development of modern biblical criticism also Aasi 1987: 138-140. Lazarus-Yafeh seems to be unaware of Aasi's study, as she makes no mention of it. See also below, note 60.
- <sup>41</sup> Lazarus-Yafeh 1992: ix.
- <sup>42</sup> Cf. e.g. the important full-length study dealing with the voices of early Islam, Adang 1996. Further, Perlmann 1949; *idem* 1964; *idem* 1973: 122-125 for the refutations offered by the 13th century Jewish philosopher from Baghdad, Ibn Kammuna. Hirschfeld 1901; Roth 1987; Powers 1986. With regard to this last study, see also S. Stroumsa 1987. (Lazarus-Yafeh 1992: 27 ff.). Most of these studies deal with Ibn Hazm and/or Samau'el. Another very useful study, dealing with an anonymous polemicist from the world of Islam, is Kassir's "A Study of a Fourteenth-Century Polemical Treatise 'Adversus Judeos,'" 1969. He provides in his introduction (pp. 62-64) a detailed list of all the biblical passages that Muslim polemicists say refer to Muhammad or Islam. This treatise deals with all the traditional categories found in similar works. Still valuable are the classical studies by Goldziher 1872; 1873; 1875; 1878, and Schreiner 1888; 1894.
- <sup>43</sup> Lazarus-Yafeh 1992: 26, and see the literature cited there. To this should be added Aasi 1987.
- <sup>44</sup> Aasi 1987: 59, 66, 102-103.
- <sup>45</sup> Perlmann 1964.
- <sup>46</sup> Perlmann 1973: 132, note 15a; Adang 1996: 249-255. On these concepts see also Lazarus-Yafeh 1992: ch. 2.
- <sup>47</sup> Adang 1996: 75, 245, 247-248. We may add to this Kassir 1969: 197, who gives the following account of the stunted transmission of God's (Allah's) revelation: "The true Torah which Allah revealed to Moses was the one which Moses broke with the tablets in his anger against you, because of the calf which the children of Israel made. And only the minimal part of it reached you. Your ancestors then rose and gathered what they found broken of it, and pieced it together, after Allah had removed from it the (promise of) mercy and blessing which were in it, and left for you in it the threats and den[on]unciations and imprecations and harshness." In contrast, see Avot 1:1-11 for the importance early rabbinic Judaism attached to the notion of an uninterrupted transmission of the divine tradition.
- <sup>48</sup> On *Tahrif*, cf. Gaudel and Gaspar 1980. The authors discuss the various categories of *tahrif* as they occur with regard to both Judaism and Christianity. Further, Aasi 1987: 13-18, 36, 98; Lazarus-Yafeh 1992: 19-21; Adang 1996: 223-248; Lazarus-Yafeh 1995. Maimonides provided an important Jewish response to this charge in his "Epistle to Yemen," Halkin and Hartman 1985: 107-114. As counter-argument he wonders how the Muslims could suggest that the Jews had removed allusions to Muhammad and Islam from the Torah, if it already had been translated into Syriac, Greek, Persian, and Latin centuries before the appearance of Muhammad. And, the Torah forms an unbroken tradition in the East and the West, with the result that there are no differences in the text at

all. The only foundation the Muslims have for their charge of falsification is the absence of any allusions to Muhammad in the Torah. This is followed by a refutation of most of the allusions that Muslims do think still remain hidden in the text.

<sup>49</sup> Cf. Lazarus-Yafeh 1992: ch. 3, on Ezra 'Uzayr as both the rescuer/transmitter/falsifier of Torah and as a subject for polemics. Also Adang 1996: 230-233, Ayoub 1986 for Ezra in Islam; and Perlmann 1964: 54-55, for the opinion of Samau'al al-Maghribi on this matter. For a totally different development of the biblical Ezra from "Scribe of the Torah of Moses to Scribe of the wisdom of the Most High to prophet to revealer of magico-astrological secrets" in post-biblical Jewish and Christian literature, see Stone 1982. He looks at the transformation the figure of Ezra underwent based on the treatment of this biblical character in the pseudepigraphical book of IV Ezra (or Esdras) in the centuries following the composition of this book. It seems that the element of Ezra the Scribe becomes lost in favor of more popular and acute characterizations of visionary and mystic. These traditions are independent from the Islamic and no trace is found of either Ezra as falsifier of the Torah or the persistent myth that the Jews considered Ezra to be the "Son of God" (Qur'an 9:30) which is only found in Islamic tradition and was a popular polemical whip to lash out with. Despite the fact that Muslim writers early on already meet with and admit to the problem that they cannot find any Jewish substantiation of this attribution, it nevertheless is always used in conjunction with the Christian belief of Jesus being the son of God, so that both religions may be accused of the same crime. Ibn Hazm attributes this particular belief to the Sadducees (Aasi 1987: 88). For our thesis, however, mention should be made of the one passage in IV Ezra dealing with Ezra's scribal activities in the very liberal elaboration on the biblical account of Ezra's preservation of the Torah in IV Ezra 14:14-48. Feldman 1993 provides us with "Josephus' Portrait of Ezra," summing up Josephus' sources and comparing his cautious approach to the extremely laudatory attitude of rabbinic and extra-biblical literature. See for an example of the rabbinic position with regard to Ezra's role in the transmission of the Torah, e.g., the matter of fact statement (here it seems in relation to the Oral Tradition) in BT Sukkah 20a: "For in ancient times when the Torah was forgotten from Israel, Ezra came up from Babylon and established it. [Some of] it was again forgotten and Hillel the Babylonian came up and established it. Yet again was [some of] it forgotten and R. Hiyya and his sons came up and established it." Of interest is, furthermore, that an extremely hostile characterization of Ezra is found among the Samaritans who added the accusation of his having changed the script aside from the contents of the Torah (Feldman 1993: 191). On Ezra's relation to the Hebrew and Samaritan scripts, see first the discussion in B. Sanh. 21b-22a, where it is stated that originally the Torah had been given in "Ashurit," i.e. the square script, but because the Jews sinned it was changed into the ancient script, i.e. Paleo-Hebrew. Only under Ezra's leadership the "original" script was restored, for had the Torah not already been given to Moses, Ezra would have been worthy of receiving it. For an explanation of this position and its ultimate consequences, see Weiss-Halivni 1993: 42, note 17. See as well the chapter "Chate'u Yisrael: A Proposed Resolution to the Conflict of Peshat and Derash," in Weiss-Halivni 1991. See with regard to the Samaritan charge of Ezra's rewriting the Torah from a Judahite point of view as well as their position vis-a-vis Moslem accusations of falsification and abrogation, Lowy 1977: 84-133 and esp. 129-133; Coggins 1975: 72-73. Also Purvis 1968: 18-21, 85 note. Cf. also the discussion in Gaster 1923: 28, 90, 97. Furthermore in Christian Patristic literature (Lazarus-Yafeh 1992: 63) where Justin (2nd c.) holds Ezra responsible for corrupting the biblical text and omitting alleged references to Jesus, which of course is very reminiscent of the Muslim blame with regard to allegedly suppressed references to Islam and Muhammad. Cf. on Justin's position also, Williams 1935: 33-34. In an anti-Christian work in which he attempts to discredit Christian claims to antiquity, the 3rd c. pagan Hellenistic writer Porphyry concludes: "Nothing was preserved from the Torah of Moses, and it is said that all its texts were burnt together with the Temple. The writings later composed in his name were written in an imprecise manner 1,180 years after the death of Moses by Ezra and his disciples." (Lazarus-Yafeh quoting Stern 1974 II: 480). Stern (*ibid.*, p. 428) adds to this: "One of the main elements in Porphyry's work is the scientific nature of the criticism he applies to the Old Testament, so that he becomes in this way a distant precursor of the modern biblical critics" (see also note 3). See on Porphyry as well, Gager 1973: 107-108. He suggests that Porphyry was aware of 4 Ezra 14:21 ff., rather than being a proto-critic. For an overview of the attitude in Patristic literature towards Ezra as restorer of the Hebrew Bible, see Gray 1923: 26-31.

<sup>50</sup> This charge is, on the other hand, seen as one of the positive proofs for *al-naskh* (abrogation); cf. Aasi 1987: 90-93; but see also pp. 130-131 for the charge of *al-bada'* on God's changing His mind. For a very able defense against many of these charges, and esp. "abrogation," see Sa'adya Gaon's *Emunot ve-De'ot* (*The Book of Beliefs and Opinions*) 1976(1948): 157-173 and *passim*. The question whether on this point Sa'adya polemicized against Islam or Christianity is discussed by Eliezer Schlossberg 1990, 1994 who favors Islam, and Daniel Lasker 1994, favoring Christianity as opponent. On abrogation, cf. Adang 1996: 192-222 who also deals with the Jewish responses by Sa'adya and al-Qirqisani (Karaites), pp. 198-210. For Karaite responses to Muslim claims and allegations, see Ben-Shammai 1984. An important part of the Karaite criticisms were contained within their Bible commentaries. E.g., Salmon ben Yehudah's (10th century) commentary on Lamentations concerning the charge that the Jews considered Ezra/Uzayr to be the "son of God." For the use of the theme of abrogation in the pagaa-Christian encounter, see Gager 1973: 116-117.

<sup>51</sup> Cf. Lazarus-Yafeh 1992: chapter 2.

<sup>52</sup> Cf. Aasi 1987: 111-115. For another citation, see Goldziher 1872: 155, where the authors of biblical stories are insulted by the notion of not being very accomplished in mathematics.

<sup>53</sup> Cf. Lazarus-Yafeh 1992: 68 for Ibn Hazm's accusation of Jewish propheticide. In the Qur'an this accusation is found in suras 2:85 ff. and 5:74. Also, Kassir 1969: 211, where we find Isaiah, Zechariah and Yahya (i.e., John the Baptist) as murdered prophets. In fact, Kassir's author adds an innovation when he claims that during the trek through the wilderness, "the Israelite community grumbled against Moses and Aaron," that is, they were on the verge of killing them. The motif of propheticide was already fully developed in the early Christian anti-Judaistic polemical literature, inspired by the especially venomous account in Matthew 23:29-39 as well as Luke 11:47-51; Acts 7:51-53; 1 Thess. 2:15, where it served as a necessary underpinning for the charge that the Jews had killed Jesus. In fact, a complete in-depth study was devoted to the treatment of this theme, in the light of the deuteronomistic history, by Steck 1967. Yet, while there is no evidence of Jewish propheticide as such in the Hebrew Bible - when actual propheticide occurs, the villain is the wicked, non-Israelite, queen Jezebel - this motif can be found in the midrashic tradition dealing with martyrology. Halpern-Amaru 1983 analyzes the development and functioning of this motif in Jewish tradition and explains that on the one hand these accounts deal with textual problems (such as characters disappearing from the biblical stories and where did they go), on the other hand they serve as consolation for a martyred people and place "the tragedies of the first century within the context of rabbinic theodicy." Earlier, Blank 1937:38 tried to unravel the identities of the various Zecharias that became entangled in the above traditions. It should be noted that the prooftexts in the Hebrew Bible, which have a clearly internal Israelite interest at heart, are appropriated, elaborated and then twisted for polemical purposes by the two other claimants to revelatory superiority, Christianity and Islam.

<sup>54</sup> Khan 1990 compares Jewish (both Karaite and Rabbanite) and Muslim positions on the reliability of text transmission and the text itself, and its authority, of their respective Scriptures. Islam developed a whole apparatus of canonized traditions around the Qur'an's origin and its Prophet; not unlike the Jewish aggadic traditions with respect to the Torah, Moses, Ezra, etc. Islamic thought, which attaches great importance to an uninterrupted transmission of a text or tradition in order for it to be authentic, regards the transmission of the Torah as unreliable and therefore unauthentic. Cf. e.g., Adang 1996: 241 ff.

<sup>55</sup> It is interesting to see in which way Islam perceives the Qur'an as holy and revealed scripture. In the first place it is considered to represent the very words of God, revealed to Muhammad in portions by an angelic messenger. Classical Muslim theology holds the Qur'an as being identical in its essence to the eternal and uncreated speech of God, having always existed alongside God - which, by the way, is reminiscent of the Jewish notion of the eternal Torah which was used by God as a blueprint for the Creation and less directly, certain aspects of the Christian logos. See on this aspect, e.g. Sweetman 1947: 115-122, who thinks that Islam was influenced by the Christian logos doctrine. Of interest as well is Nemoy 1945, who presents the criticism of the logos idea by the 10th century Karaite scholar al-Qirqisani. Nemoy is of the opinion that al-Qirqisani is critical of the Christian interpretation of this concept. However, many of the arguments brought forward by al-Qirqisani may just as well, or even better, be seen as critical of the Islamic idea of the uncreated Qur'an. This would make sense in view of the fact that it was much safer for a minority to express criticism of the ruling majority in language directed against another minority. Even more so when we realize the sensitivity of this issue in Islamic thought. See Sweetman 1947: 116-117.

The actual book, written with ink on paper is a partial reproduction of the heavenly book known to Islamic thought as the "Well Preserved Tablet" (*al-lauh-ul-mahfuz*) or the "Mother of the Book" (*umm-ul-kitab*). The revelations of the Qur'an come from this book and likewise, from it "Allah abrogates or confirms what he pleases" (suras 85:22, 43:4, 13:35). The term "tablet" refers equally to the book given to Moses, originally on some tablets (suras 7:145, 150, 154). But in contrast to the latter, the Qur'an is spoken of as being in a well-preserved or guarded tablet. This implies that it will be shielded from all forms of attack, i.e. guaranteed to be free from corruption. J.W. Sweetman 1945: 25-28 traces this tradition to early Hellenistic Jewish texts and provides the relevant references. Until quite recently, the idea of the Qur'an containing God's very speech caused a great resistance to its translation - which, again, is similar to Jewish sensitivities with regard to the Torah. Directly related to this is the absolute dogma in Islam that the language of the Qur'an, Arabic, is in every respect perfect. The similarities with Jewish traditions go even further when considering the notion in Islam that the letters of the Arabic alphabet "form the language of the Divine Breath." No other language could possibly capture its beauty or convey its message. A translation, however, could lead the unsuspecting reader to doubt and skepticism. Nor would justice be done to the perception that the Qur'an was revealed through a living voice. The Qur'an, with the adjective 'glorious' added to it, represents the true and uncorrupted copy of the divine revelation, being the final scripture. The Jewish Torah (*Tawrat*) and the Christian New Testament (*Injil*) are, it is true, copies of the same heavenly book, but became corrupted in the course of time. This issue is discussed in: Watt 1950; Jeffery 1950; Widengren 1968; Tritton 1972; Bhajjan 1974; Madelung 1974; Peters 1976, esp. chapter III, "the Qur'an and God's Other Speech;" Neuwirth 1983; Daiber 1994 describes in detail the discussion in early Islam concerning the nature of the Qur'an; Sadan 1994 deals with the status of Arabic as a holy language and the Jewish reaction to it in 12th century; Wild 1996; Van Ess 1996. See as well *Ef' kalam, lauh al-mahfuz and miha*. With regard to the origin of the Heavenly Tablet, Widengren (pp. 215-216) explains that this may be found in the ancient pre-Islamic Near-Eastern tradition of the Babylonian Tablets of Destiny. On New Year's day these were thrown by the high-god Marduk, just as suras 44:2, 97:1, 2:181 state that "the Qur'an was sent down in the month of Ramadan in the Night of Power...in which night 'Allah decrees every term and work and all food till the same day of the next year." Corresponding Jewish attitudes to Hebrew as holy tongue are discussed by e.g. Wolfson 1950: 223 ff.; Halkin 1963: 241-243. On the mystical qualities of the letters of the Hebrew alpha-

bet, see e.g. *EJ* 2: 747-749; and further, Moshe Idel 1989: 1-28 on Abraham Abulafia's theory of language. For the Jewish treatment of the issue of God's "speech," cf. below, chapter II.4, note 25.

<sup>56</sup> Hirschfeld 1901: 23-4-5 makes the interesting observation that in particular the two charges of Islam against Judaism, namely the one of abrogation of Judaism and the one of falsifying the text, may have been at the basis of articles 8 and 9 of Maimonides' Principles of Faith, referring to the divine and unchanging nature of the Torah respectively. Hirschfeld suggests that these two were formulated expressly as a rebuttal to these accusations. Cf. also ch. II.4.

<sup>57</sup> Perlmann 1964: 21.

<sup>58</sup> "Gematria," *EJ* 7: 369-374. For its application in Muslim interpretation, again, by a Jewish convert, cf. Perlmann 1940: 178-189; Lazarus-Yafeh 1992, ch. 4; Kassir 1969: 155.

<sup>59</sup> But this was not just the prerogative of Jewish converts to Islam and gematria was certainly not the only approach. As early as the mid-9th century the Muslim historian al-Tabari already produced a study in which he searched the Hebrew Bible for prophecies pertaining to Muhammad (Cf. Aasi 1987: 38-39). A complete book concerning *a'lam* was recently reissued as a publication of the Presidency of Shariyah Courts & Islamic (or: Religious) Affairs of the State of Qatar, 1991: *Muhammad in the Bible* (4th edition). The author, Prof. 'Abdu 'l-Ahad Dawud, B.D. is introduced as "the former Reverend David Benjamin Keldani, B.D., a Roman Catholic priest of the Uniate-Chaldean sect," from Urmia (Persia). While it is not indicated when this book was first published, in the short biographical sketch the author's date of birth is given as 1867, and that of his conversion to Islam in 1904. According to this sketch, Dawud being an official representative of the Nestorian Patriarchate, was in close contact, in the late 19th century, with English and French Christian circles, contributing articles in English and French to various religious magazines. In the introduction and all through this book the emphasis is laid on comparative linguistic exposition, with a little twist into this or that direction, some of the findings of higher biblical criticism, as well as the versions, in order to reach the desired presuppositions. This sizeable (263 pages) collection of passages covers both the Old and New Testaments.

Within the context of *a'lam*, Dawud also presents, of course, cases of *tahrif*. E.g., in order to establish that all the divine promises made to Isaac were really made to Ishmael, he states (p. 32) that "the Jews have always been jealous of Ishmael because they know very well that in him the Covenant was made and with his circumcision it was concluded and sealed, and it is out of this rancor that their scribes or doctors of law have corrupted and interpolated many passages in their Scriptures. To efface the name "Ishmael" from the second, sixth, and seventh verses of the twenty-second chapter of the Book of Genesis and to insert in its place "Isaac," and to leave the descriptive epithet "thy only begotten son" is to deny the existence of the former and to violate the Covenant made between God and Ishmael." Another example, dealing with "misinterpretation," is the root שָׁלַח (p. 108) which he interprets as often referring to Islam, especially in the passage of Jer. 28:9 (pp. 105-113), and Haggai 2:7-9 (pp. 23-26, 147-150) which has both שָׁלַח and מִרְמָה, which is to refer to Muhammad.

But once again, here as in most any work of a polemical nature, scholarly method does not automatically and necessarily result in scholarly conclusions, for this work, too, is contaminated by the vile hostilities addressed to post-biblical Jews and Judaism that are so familiar. I deem it necessary to quote at length one passage in particular (p. 254-55) as it combines many of the charges, of a classical Christian nature, as well as of the European "scientific" anti-Semitic, and the modern Arab/Islamic anti-Zionist kinds, levelled against 19th and 20th century Jews. I do wonder if not the sentences I put in italics, might be later anti-Zionist interpolations of a clearly political nature. After having dealt with the political and territorial success of Islam which Dawud sees prefigured e.g. in the Apocalypses, he continues:

"There are two other observations which I cannot ignore in this connection. If I were a most ardent Zionist, or a most learned Rabbi, I would once more study this Messianic question as profoundly and impartially as I could. And then I would vigorously exhort my co-religionist Jews to desist from and abandon this hope for ever. Even if a "Son of David" should appear on the hill of Zion, and blow the trumpet, and claim to be the "Messiah," I would be the first to tell him boldly: "Please, Sire! You are too late! Don't disturb the equilibrium in Palestine! Don't shed blood! Don't let your angels meddle with these formidable aeroplanes! Whatever be the successes of your adventures, I am afraid they will not surpass those of your ancestors David, Zorobabel, and Judah Maccabaeus (Maqabaya)!" The great Hebrew conqueror was not David but Jesus bar Nun (Joshuah); he was the first Messiah, who instead of converting the pagan tribes of Canaan that had shown so much hospitality and goodness to Abraham, Isaac, and Jacob, mercilessly massacred them wholesale. And Joshuah was, of course, a Prophet and the Messiah of the time. Every Israelite Judge during a period of three centuries or more was a Messiah and Deliverer. Thus we find that during every national calamity, especially a catastrophe, a Messiah is predicted, and as a rule the deliverance is achieved always subsequent to the disaster and quite in an inadequate degree. *It is a peculiar characteristic of the Jews that they alone of all the national aspire, through the marvellous conquests by a Son of David, after a universal domination of the inhabitants of the globe. Their slovenliness and inertia are quite compatible with their unshaking belief in the advent of the "Lion of Judah."* And that is, perhaps the reason why they never attempt to concentrate all, their national resources, energy, and force and make a united effort to become a self-governing people. (Italics mine).

Further, when identifying "Shiloh" in Gen. 49:10, which is also a favorite christological passage (on which see, e.g., Hertz, *Pentateuch and Haftorahs*, additional notes, p. 201-202), Dawud states (p. 59):



I often wonder at these itinerant and erring Jews. For over twenty five centuries they have been learning a hundred languages of the peoples whom they have been serving. Since both the Ishmaelites and the 'Israelites are the offspring of Abraham, what does it matter to them whether Shiloh comes from Judah or Zebulun, from Esau or Isachar, from Ishmael or Isaac, as long as he is a descendant of their father Abraham? *Obey the Law of Muhammad, become Muslims, and then it will be that you can go and live in your old fatherland in peace and security* (Italics mine)

It is interesting to note that in his whole exposé, the figure of Ezra is conspicuously absent. On *u'lam*, see further Adang 1996: 141-162.

- <sup>60</sup> Aasi 1987: 101-102, while being extremely cautious in claiming influencing, and only seeing parallels, seems eager to establish Ibn Hazm's influence on later western thought. To this effect, see his note 24 on pp. 138-140 in which he quotes Anwar Chejne 1982: 19 at length, who very clearly does make this assertion, despite his own caution and despite the lack of evidence or necessity for it. It should be pointed out that the same textual problems in the Hebrew Bible will repeatedly generate the same or similar questions, no matter by whom or when these problems were raised.
- <sup>61</sup> Perlmann 1973: 126.
- <sup>62</sup> See on this issue also Bernard Lewis 1986: 124-127.
- <sup>63</sup> Perlmann 1973: 114.
- <sup>64</sup> Rudolph 1983.
- <sup>65</sup> Perlmann 1973: 107.
- <sup>66</sup> Isma'il R. Al-Faruqi 1986: 58-59.
- <sup>67</sup> In Gray 1923: 17 we find the following statement taken from the preface of Jerome's commentary on Daniel in which he criticizes Porphyry: "Porphyry wrote his twelfth book against the prophet Daniel, asserting that the book inscribed with his name was written, not by him, but by some one who lived in Judaea in the days of Antiochus Epiphanes, and that Daniel did not so much foretell future events as relate what had already taken place. That in line all his narrative up to the time of Antiochus contained a true history; whatever opinions he advanced with respect to later events were false, since he did not know the future." Concerning this quote Gray says that "special interest attaches to this statement, as it records the first known instance of the application of the principles of what is known as higher criticism." The *EJ* 10:259 adds: "Porphyry whose brilliant analysis of the historical background of the Book of Daniel is incorporated in Jerome's commentary on that book."
- <sup>68</sup> On Artapanus, cf. *EJ* 3: 645; Charlesworth, *The Old Testament Pseudepigrapha*, II: 897-903; on Aristobulus, cf. *EJ* 3: 444; Charlesworth, I, esp., 775, 831, 839. On Philo, cf. Wolfson, 1947, Vol. 1: 141-142, who adds that the Hellenistic Egyptian priests likewise claimed that Greek philosophy was derived from their traditions. On the desirability of the predicate of antiquity in the classical Roman, Greek and Mediterranean world, see Feldman 1993a: 177-199; Wacholder 1968: 404-405, 477-481. For the reverse charge of Moses having plagiarized Greek myths and the motive for this charge, see Gager 1973: 103. See also Funkenstein 1993: 28-29. See Wacholder 1968: 460-461 on the relevance, or perhaps even *raison d'être*, of chronography to prove the antiquity of Judaism and Moses' status as the progenitor of civilization.
- <sup>69</sup> Haddad 1984, esp. chs. 4-8, and less so ch. 2. Although Haddad deals mainly with modern writers they all reflect the concerns and venom of the early authors and polemics. At the same time, this collection shows extremely clearly how, for a fact, the old polemical issues filtered through to modern times and were re-applied - none of them in a scholarly way - in the service of anti-Zionist political propaganda. It is unfortunate that, while presenting a valuable collection of opinions, Haddad himself adds to this atmosphere by stating explicitly that he does not consider his work to be a criticism of the Muslim position and fails to put his data into perspective by not analyzing or even commenting on the blatantly false accusations voiced by and deliberately misleading information supplied by the various authors (pp. x, xi). In this respect it is interesting to compare a voice from the opposite position dealing with the same issue, namely Harkaby 1971 (which also started out as a doctoral dissertation). See esp. chapter 5 "The Jews." Further, Lewis 1986a.
- <sup>70</sup> Haddad 1984: ix, x.
- <sup>71</sup> Haddad 1984: 10. For Muslim treatment of the theme of the Exodus, see pp. 6-12.
- <sup>72</sup> Cf. *Imam*, a monthly publication of the "revolutionary Islamic" regime in Iran. February-October 1984, which in these issues, accompanied by the vilest sort of anti-Semitic "cartoons," published excerpts from the Protocols with commentary. On the history of the "Protocols," see Cohn 1981(1969), who traces its origin and world wide use until World War II. It is unfortunate that therefore its resurrection within Arab political propaganda remains untreated. On this latter use of the "Protocols" as well as other Islamic sensitivities with regard to Judaism as discussed above, see Nettler 1987. Also, Harkaby 1971: 229-237. And see Haddad 1984: ch. 10 ("International Jewish Organisations"), esp. pp. 324-326 on "The Elders of Zion and the complot theory."
- <sup>73</sup> Trautner-Kromann 1993: 5-6.
- <sup>74</sup> Waardenburg 1979: 268-269.

## II. 2. Rise of Skepticism

In section I, I have dealt briefly with the internal tensions that were manifest in the Jewish world in Hoffmann's days and hinted at the external developments in the intellectual world that were, at least from the point of view of the Jewish traditionalists, disruptive for Judaism. Within Judaism these developments manifested themselves in the birth of Haskalah, Reform Judaism, the movement of *Wissenschaft des Judentums*, and Zionism, all of which would emerge in the wake of the Enlightenment of the late 18th century.

In general society we see the emergence of a new biblical science; more precisely, we see biblical theology moving towards biblical science, or in other words, theology becoming 'scientized.' Historical theories, the new astronomy, the ideas of Darwin, philological science, comparative religious ideas, archaeological finds, all these were incorporated into looking at the text anew. The ultimate sanctity of the text and its divine source were separated from the text as such, which was thenceforth subject to critical scrutiny. The text was treated as literature of human origin, possibly but not necessarily inspired. But whatever the view of the individual Bible critic (most of whom were Protestants), certainly the text had become fallible. Having become convinced that the text exhibited too many inconsistencies and corruptions, the critics now saw it as their task to restore the so-called *Urtext* and to place it in its 'proper' *Sitz im Leben*. It is superfluous to say that, for these Protestant theologians, these would certainly not be found within the Jewish orbit, and they went out and searched for the 'real author' who, in their opinion, certainly was not called Moses. This was their claim but not their original idea; it had been said for a long time by people who followed Spinoza, and even earlier.

The origin of this development goes back to at least two centuries prior to the rise of the Enlightenment. One certainty after another had been shattered at an ever increasing speed due to the exploration of both the earth and of science.<sup>1</sup> Old philosophical dogmas collapsed for the same reason. Not only was it discovered that the earth was round (or rather rediscovered, after the ancient Pythagoreans had already established this some 2000 years earlier!), but also that the sun formed the center of, first, the universe and later only the solar system and that Earth was rather just one of several planets circling it, and not *vice versa*.<sup>2</sup> Further it was found that ethereal substances that heretofore had been thought of as constituting the 'stuff' of the universe did not exist. Astronomical phenomena came more and more to be described in scientific terms and were detached from religious connotations; even though Isaac Newton (1642-1727) tried his best to keep Providence very much involved in his description of the universe. The German astronomer Johann Kepler (1571-1630), who corresponded with Galileo, tried to reconcile, as did many others, a heliocentric universe

with the accounts in a Bible that would suggest otherwise. For instance, by rephrasing Joshua's request to God to make the sun stand still. Kepler solved the problem that the Bible would suggest a moving sun and a static earth. Needless to say, Joshua and much more so God, must have been well aware of the true nature of things, but the height of battle was hardly the moment "to reflect on astronomy and the errors of sight." So what Joshua asked for was merely an "extension of the day, no matter how this might happen ... God understood Joshua's wish without difficulty from his words and fulfilled it by stopping the movement of the earth, so that to Joshua the sun seemed to stand still." <sup>3</sup> Of Kepler's four principles on the relation between science and religion, cited by Klaus Scholder, the first two are relevant for us as their direct consequence would lead the way to biblical criticism. They are "1. The rejection of all arguments which are based only on tradition and authority; 2. Independence of scientific research from all philosophical and theological principles." <sup>4</sup>

The age of the great explorers saw the discovery that the earth was inhabited by many strange peoples and cultures that were quite unlike what had been familiar and secure hitherto. People struggled with the relation between religion, the role and place of God, and the new scientific discoveries. Old authorities, especially the Church, lost their prominent place to a new sense of skepticism and inquiry. The human soul, too, had become an object for inquiry: was it spirit, was it matter, was it immortal, was it there at all? Darwin had his go on the evolutionary front, looking for the origin of species. He was partly successful. This in combination with new insights with regard to fossils, their origin and their relation to the age of the Earth, together with the results of his explorations proved very problematic for literal readings of the biblical text, especially the Book of Genesis. But also, for different reasons, texts, until then considered unassailable, suddenly became vulnerable to attack. The Greek literary gods fell from their pedestal when it was discovered, for instance, that Homer was far from as old as had been thought, and that his texts might very well be of a composite nature. And then there was one last obstacle to be mounted: the Holy Scriptures! Doubts that had already crept in, due to questions of a literary character and new approaches to interpretations of history, became reinforced by the scientific discoveries of the age. It should be noted here, that even this development had a very clearly identifiable precursor. The building blocks for the road out of the Dark Ages had clearly been laid out in the Italian Renaissance, preceding its Northern European offshoot by more than a century, and the rise of Humanism. This period saw an enormous increase in the study of classical texts and in its wake an awakening of Hebrew studies, which became very popular among Christian Scholars. <sup>5</sup>

The development of the ideas of the French philosopher and mathematician René Descartes (Cartesius: 1596-1650),<sup>6</sup> who reduced the entire animal creation to a mechanical operation, resulted in a mechanistic world view, from Robert Boyle (1627-1691), who compared the physical world to a clockwork, via Isaac Newton (1642-1727) and Pierre Simon de Laplace (1749-1827), who came up with a 'clock-work' universe strictly governed by deterministic laws, as opposed to Newton's Providence.<sup>7</sup> The former three were far from atheistic in their religious expression and were not motivated by anti-religious sentiments when propounding their findings. On the contrary,<sup>8</sup> "Mechanistic thought is reductionist. It reduces the complex and living inter-connection of nature to its component parts. Its language prefers non-living parts to living and dynamic wholes."<sup>9</sup> Soon the mechanistic world view proved to be a philosophy to which the Bible itself would also fall victim. A text is not a whole, but must perforce consist of traceable parts and have a rational origin. In order to study it the text must be taken apart, stripped of its soul so to say, and thus the determination and study of the parts outbid the consideration of the function of the whole. Thus it must have seemed to those wary of the perhaps overly enthusiastic followers of the new developments and their applications.

Summarizing, then, we see that during the pivotal 17th century the tendency was at first to absorb the newly discovered data and accommodate Scripture in such a way that there would be no conflict and no resulting crisis in authority. This was partly prompted by the need to satisfy the very powerful ruling orthodoxy, partly out of a genuine sense of religiosity and personal need to retain the old stable world order as felt by the scientists of this era. But more and more the position in which Scripture is subordinate to reason gained prominence. The shift can be observed in the second half of the century when scriptural criticism, which had at first shown a positive tendency now began to be increasingly destructive. Accommodation was no longer the rule, revelation no longer necessary. Reason was to reign supreme. This development cleared the way for the new spirit of the 18th century, of the Deists, the French Revolution and the Enlightenment. From this period on criticism served to undermine the credibility and authority of Scripture, to ridicule and debunk it, and to prove it obsolete and insignificant in the face of reason.

Klaus Scholder sums it up clearly when he states that "[t]he aura of destruction and godlessness which has been attached to biblical criticism to the present day, derives from this time. Only with the rise of historicism are new possibilities of understanding disclosed, and does a mediating position again emerge. Its basis principles were then taken up and developed further in nineteenth-century biblical criticism."<sup>10</sup>

The consequences of these developments for Jewish thought are very clearly pointed out in an important article by Michael Panitz.<sup>11</sup> Among the Jewish responses to the

"new astronomy" he identifies three categories. a) The outright rejectionists, such as the Hatam Sofer, who postulate that the findings of astronomy are irrelevant and that human reason being inferior to the truth of the Torah can never reach any conclusions in this matter. b) The harmonizers in whose view the incorporation into the Jewish cosmological system of new findings in astronomy depends on the presence of scriptural and/or rabbinic proof-texts for these data; and those, e.g. Malbim, who only accept new results in science piecemeal, without recognizing in them an integrated system, whereby the old views can be retained intact. c) Finally, the "moderns," such as S.R. Hirsch, who distinguish between the "Book of Nature" and "Book of Scripture" (cf. note 7). Based on the rabbinic principle that the Torah speaks in the language of man, the observations and explanations are necessarily limited to a human perspective. As, furthermore, Scripture is not a physics or astronomy textbook, but rather wants to impart morals, divine precepts, etc. it has nothing to say on cosmology.

It is important to observe that Hoffmann's position belongs in principle to the latter category. In his Hebrew commentary on Genesis <sup>12</sup> he expounds in no uncertain language his views on this matter: a) The Torah is a book of laws, which is already implied in its very name, and it wants to teach Israel what they must do and what they may not do. It mentions events insofar as they influence the material or spiritual condition of the Jewish people. It also contains historical traditions that serve to show Israel where it came from and what its relationship to God is. b) Because the Torah wants to teach the genealogy of man and the Jewish people, it starts with the account of the creation. But it only informs us concerning this event insofar as it is relevant to the history of mankind. Thus, the reason why it is suggested that the Earth is the center, with the rest of the heavenly bodies circling it, is only to emphasize the human observational position. Therefore, the Torah does not transmit anything about the nature of other worlds, the sun, the moon, and the stars, and even less about the spiritual realm. The only importance attached to the sun and the moon is in their function to illumine the world for mankind and to serve as seasonal beacons. c) The account of creation does not want to teach anything about one or another theory of the natural sciences with regard to the creation of the world.

However, Hoffmann is very careful in formulating his thoughts and continues in a more harmonizing vein. He warns that the modern sciences are far from conclusive concerning the creation of the world: they do not shed more light on the matter than do the clear statements in the first chapter of Genesis. He further explains that as the Torah contains spiritual matters geared to every age and stage of man, there is likewise one single true teaching (torah) for all of mankind in all its stages of development. Both the ancient times with their simple understanding with regard to creation, and the most modern times with

their advanced knowledge, together, may be discovered equally in the description of the Torah. The expressions used in the Torah lend themselves easily to the various theories concerning the creation of the world. Then he comes to what really counts: there is the one important rule that the Torah wants to establish and to which there is no ambiguous meaning; and this is the fact that all that exists does so through the will of God alone.

---

<sup>1</sup> Useful descriptions of the relationship and tension between scientific thought and religious belief are offered, e.g., by Scholder 1990 and Brooke 1991.

<sup>2</sup> On the theories of the ancient Greek philosophers, mathematicians and astronomers concerning the spherical nature of Earth, its being one of the planets and its place in the solar system as well as their actual anticipation of the Copernican system, see, e.g. Bertrand Russel, *A History of Western Philosophy*, London: Unwin Paperbacks 1985 (1946): 222-226.

<sup>3</sup> Scholder 1990: 56-57.

<sup>4</sup> *Ibid.*, p. 62.

<sup>5</sup> Goshen-Gottstein 1983. Levenson 1993 presents a relevant application of Peter Burke's book, *The Renaissance Sense of the Past*, in "Theological Consensus or Historicist Evasion? Jews and Christian in Biblical Studies," esp. 88-91 (but see the entire chapter).

<sup>6</sup> On the consequences of the Cartesian system for biblical authority and interpretation, cf. Scholder 1990: 110-142, esp. 141-142.

<sup>7</sup> On Newton's religious philosophy and his approach to the text of the Bible, see Manuel: 1974; esp. chapter 2, "God's word and God's works" on the idea of the "Book of Scripture" and the "Book of Nature," in each of which God's creation is manifest; and chapter 4, "Prophecy and history" on Newton's scriptural interpretation. More recently, see Popkin 1992.

<sup>8</sup> Brooke 1991: 56, 118 ff.

<sup>9</sup> Rosemary Radford Ruether, *Gaia and God*, New York: Harper Collins Publ., 1992, p. 57.

<sup>10</sup> Scholder 1990: 141-142. Cf. on this period and its most important representatives, such as Voltaire, vis-à-vis the Bible, Peter Gay 1971(1954) and 1977(1966); Reventlow 1984: 289-410; Arkush 1993. Deism advocated a natural religion, purged of "miracles, priestly hierarchies, ritual, divine saviors, original sin, chosen people, and providential history." In his zeal to expose the perceived immorality and bloodthirst of Christianity and the Old Testament and his ridicule of all in it that was, in his opinion, contrary to reason, Voltaire showed a remarkable similarity to the medieval critique of Islam. (Gay 1977: 371).

<sup>11</sup> Michael Panitz 1987:88.

<sup>12</sup> Hoffmann 1969: 9-12.

## II. 3. *Skepticism with Regard to Scripture*

Skepticism with regard to Scripture finds its expression in questions concerning the reliability of the text with regard to its authorship and date of composition.

Many textual problems had already been observed by the most ancient Jewish interpreters, who attempted to explain them within the boundaries of the Tradition. <sup>1</sup> Abraham ibn Ezra (1092-1167) seems to be the first Jewish authority to draw some independent conclusions from the problems concerning the date of composition that might be derived from the text. He seems to question the actual Mosaic authorship of certain statements that clearly refer to a time after Moses lived; but these thoughts are phrased in cryptic language, as they could easily be misunderstood and considered heretical.

The first kind of doubt, of a literary-textual character, found its origin in some problems in the first chapters of Genesis. They are: the use of the two different names of God and the two accounts of Creation. Furthermore, the two different accounts of the Decalogue in Exodus and Deuteronomy caused problems for interpreters. Rabbinic Judaism had found solutions for these problems, the acceptability of which were not questioned afterwards in circles of pre-modern Jewish commentators. For the new wave of thought in Christian circles after the Reformation this proved an open invitation for creative thought. One conclusion was that the inconsistencies in the text and the double accounts were caused by the pasting together of various documents. The other was, that, because of the chronological problems, Moses could not possibly have been the author of the text, the component parts of which must be situated in a period long after he lived. The next conclusion was that, because of the discovered existence of various documents, there must have been a person, or persons, who pasted these texts together, connecting them with interpolated phrases by their own hand. A likely candidate for this labor was found in the person of Ezra the Scribe, which conclusion immediately projected the Pentateuch more than half a millennium into the future.

Benedict Spinoza (or: Baruch d'Espinoza - 1632-1677) is considered by many to have stood at the cradle of biblical criticism. In a far from secular world, he is supposed to have been the first secular mind, struggling to mold his ideas on a still thoroughly religious surrounding culture. <sup>2</sup> That the development of his thought was certainly not a spontaneous phenomenon and was thoroughly based on previous ideas, <sup>3</sup> Spinoza himself demonstrates when he quotes the various thinkers of many centuries past who expressed a certain measure of skepticism with regard to a number of problematic passages in Scripture. One of the most important of these is Abraham Ibn Ezra (1089-1174). But covert references in Spinoza's work also indicate that his approach, though new in its radicality, was rather the culmination

of certain trends preceding him. The most conspicuous among these are the obvious references to the theories of Isaac la Peyrère (who may have been of Marrano descent: 1596-1676). <sup>4</sup> In fact, La Peyrère probably deserves a more important place in the history of biblical criticism than is usually accorded to him; and had it not been for the pioneering work of Richard Popkin, he would have lingered in obscurity. What made Peyrère's approach wholly novel was, first of all, the fact that he based himself on the scientific discoveries of his day in order to explain an old passage that no one had been able to explicate satisfactorily for him. What had always bothered him was the question of where Cain's wife had come from. The discovery of new and different peoples gave him the solution. Adam had been the first man in Jewish history, but not in world-history. In other words, there were pre-Adamites! This solved for him as well the new question regarding the origin of the diversity of mankind. Of course, this new theory brought into question the old notions as to the nature and date of creation, as well as the (in)fallibility of the biblical text. His other conclusions were that the Bible only deals with Jewish history; that Moses did not write the Pentateuch; and that the biblical text as we have it, is not accurate. <sup>5</sup>

Yet, despite his daring in confronting current religious authorities and dogma, we would do well to keep La Peyrère's motivation for his questions in mind, which was to safeguard the unity of Scripture and the medieval world-view which still held sway in the 17th century. He formulates this himself at the end of his book: <sup>6</sup>

...to reconcile Genesis and the gospel with the astronomy of the men of old, the history and philosophy of the most ancient of peoples. So that if the astronomers of the Chaldaeans were to come, or the Egyptians with their primaeval dynasties, if Aristotle himself were to come, and with him the chronologers and philosophers of the Chinese, or if an at present unknown but perceptive people were to be discovered in the south or in the north who had an ancient culture and tradition extending over tens of thousands of years, *each from his position could readily accept the creation stories and happily become Christian*... Consider further that through this position, which assumes that the first men were created before Adam, the history of Genesis appears much clearer. It is reconciled with itself. It is also in a surprising way reconciled with all profane documents, ancient and more modern, for example, of the Chaldaeans, Egyptians, Scythians and Chinese. The earliest creation which is depicted in the first chapter of Genesis is reconciled with the Mexicans, whom Columbus reached not so long before. It is reconciled with those people in the north and south who have not yet been discovered. All of these, like those of the first and oldest creation which is reported in the first chapter of Genesis, were probably created along with the earth itself in all lands and were not descendants of Adam ...Through this position *faith is again reconciled with natural reason*. ... [Italics mine]

Another of Spinoza's immediate precursors is found in the person of Uriel Da Costa (1585-1640), <sup>7</sup> who struggled with the consistency of the biblical text and its interpretation by the talmudic sages, and who saw himself eventually excommunicated by the Amsterdam



Sephardi authorities on account of his opinion regarding these issues. His thoughts were published as the *Exame das Tradicoes Pharisaeas* (Examination of the Pharisaic Traditions).<sup>8</sup> One well known luminary who, in contrast to the previous two thinkers, certainly cannot be accused of heretical thought, is Menasseh ben Israel (1604-1657), rabbi of the Sephardi community of Amsterdam, who achieved international fame in his time.<sup>9</sup> He grappled with the apparent inconsistencies in the biblical text in his exegetical work *Conciliador* in which he places contradictory passages in Scripture side by side and then reconciles them based on traditional interpretation. These three thinkers are treated in a recent study by Jay Harris<sup>10</sup> who illustrates the development from the harmonizing exegesis of recognized inconsistencies of a Menasseh, which was clearly rooted in the old traditional approaches, to pious admission of the human factor in the origin of the text with its logically resulting errors and shortcomings caused by scribal and copyists' mistakes, of a La Peyrère who brings it down to human authorship of divine revelation. The step to Spinoza's ideas is then but a small one. That no single factor would be at the basis of Spinoza's thought, but that he was subject to many influences in a philosophically turbulent era is shown by Richard Popkin in his analysis of the thought of the English Quaker, Samuel Fisher, who published a major work of biblical criticism only ten years before Spinoza's. He furthermore points out that it is extremely likely that Fisher and Spinoza met, as the former spent some considerable time in Holland. Yet, however intense their contact may or may not have been, many of their ideas concerning the text of the Bible show a clear resemblance.<sup>11</sup>

Spinoza's treatment of Scripture<sup>12</sup> is found in his *Tractatus Theologico-Politicus*.<sup>13</sup> His approach of *sola scriptura*, Scripture can only be explained by Scripture itself, was, among other things, aimed at the allegorical approach of e.g. Maimonides, with whom he vehemently disagreed and whose imposition of Aristotelian views upon Scripture he rejects because it makes it impossible to interpret Scripture by its own standards. More generally, the method implied a search for the meaning of the text rather than its truth.<sup>14</sup>

Steven Schwarzschild describes his method as follows:

...throughout the *Theologico-Political Tractate* he pursues a policy of what may be called malicious reductionism: that is to say, he defines religion in such a way that having accepted his definition the intelligent reader must reject it. Thus, for example, he denies to the more highly developed religions the right to engage in Biblical exegesis and insists that the Bible must be either taken literally or not at all. The anthropomorphisms which occur in the Bible, therefore, may not be understood in any metaphoric or theological sense but must either be believed or they must lead to a rejection of the concept of God as it is embodied in the Bible. And it is on the ground that Maimonides is, of course, the most outstanding Jewish interpreter who dissolved all forms of anthropomorphisms in as well as outside of the Bible by his theological exegesis that Spinoza polemicizes against him [so] vitriolically and frequently...The point of this entire harangue is not, obviously, that Spinoza wants people to believe

that God has anthropomorphic attributes but rather that he wishes them to reject the Bible, and he can accomplish this purpose in no better manner than by insisting on the literal significance of Biblical texts. Thus he reduces the Bible to its most primitive level in order on this level the more easily to be able to reject it. This is what we have called *reductio ad barbarum*.<sup>15</sup>

Spinoza, however, has more regard for Abraham ibn Ezra, the great medieval commentator. He says about him:

I will begin with the received opinions concerning the true authors of the sacred books, and in the first place, speak of the author of the Pentateuch, who is almost universally supposed to have been Moses. The Pharisees are so firmly convinced of his identity, that they account as a heretic anyone who differs from them on the subject. Wherefore, Aben Ezra, a man of enlightened intelligence, and no small learning, who was the first, so far as I know, to treat of this opinion, dared not express his meaning openly, but confined himself to dark hints which I shall not scruple to elucidate, thus throwing full light on the subject.<sup>16</sup>

And he concludes, after enumerating the passages Ibn Ezra had noted as being problematic in the sense of ascribing them to the authorship of Moses, as well as passages Ibn Ezra had not described, "From what has been said, it is thus clearer than the sun at noon-day that the Pentateuch was not written by Moses, but by someone who lived long after Moses".<sup>17</sup> Hereby he basically credited Ibn Ezra with a conclusion he surely would not have drawn himself, and not only out of fear for unsympathetic reactions. In an in-depth study Menahem Haran explains why Ibn Ezra could not possibly have been what Spinoza attributes him with, namely being a kind of 'crypto-critic'. For he was too much imbedded into his own medieval period (i.e. necessarily pre-critical) and simply stood too solidly in the Tradition.<sup>18</sup> Spinoza was followed by a host of enlightened Bible scholars (the school of thought characterizing the 18th century), all competing for the most critical view.

As long as this remained the favorite pursuit of the mainly German Protestant theologians, it was at the most an irritant for Orthodox Jews. Judaism, after all, knew fully well what the real status of the text was and the Protestant Bible was already considered a weak copy of the original, as was any other translation. But a danger did arise, as the new critics became not only well-versed in the Hebrew language but openly included the Torah, the basis and core of Judaism, in their criticism. And thus not only the Torah was criticized, so were the people and the culture that they considered to be at the origin of this text supposedly so much in need of critical surgery!

---

<sup>1</sup> Already in such early sources as the Talmud (BT Gittin 60a) we find that the time frame within which the revelation of the Torah had taken place was discussed. In fact, no consensus seems to be reached on the issue of whether the Five Books of Moses were actually given all at once on Mount Sinai or scroll by scroll, and developing, during the forty years of wandering in the wilderness. Both opinions are accorded equal value. See further, Chapter II, 4 and esp. note 10.

<sup>2</sup> Some of the basic studies of Spinoza are found in Strauss 1965 and 1976; Yovel 1989. Against Spinoza's sup-

posed atheist or humanist stand as represented by Strauss and Yovel, see Leavitt 1994. For a totally novel view on Spinoza and related issues, cf. Faur 1992.

- <sup>3</sup> An interesting thesis is presented by d'Ancona 1940, who suggests a possible influence on Spinoza's thinking by the controversial Sephardi (Greek) scholar Joseph Delmedigo (who was an important figure in the ideological conflict between reason and faith of the period) and shows a correlation between the latter's thought, that of Menasseh ben Israel and of Spinoza. See on Delmedigo further, Barzilay 1974. For his attitude to the Hebrew Bible and Rabbinic Judaism, see esp. chs. XX and XXI, 299-310.
- <sup>4</sup> On the possible relationship between Spinoza and Isaac La Peyrère, see Popkin 1977 and 1987.
- <sup>5</sup> On Peyrère's Pre-Adamite theory, see Popkin (above, note 4); *ibid.* 1974, *ibid.* 1976. See as well Scholder 1990: 82-87 and McKee 1944.
- <sup>6</sup> Scholder 1990: 83, 88.
- <sup>7</sup> Cf. the review of the 1922 book on Da Costa, *Die Schriften des Uriel da Costa mit Einleitung, Übertragung und Regesten* by C. Giehard by Porges 1928. José Faur presents a new approach to the problems surrounding the motivations for Da Costa's actions and writings in his *In the Shadow of History* (1992), where he describes Da Costa's religious experience as an inevitable descent into nihilism.
- <sup>8</sup> This long lost work by Da Costa was so much shrouded in mystery that scholars were actually hesitant to attribute it to him at all. The mystery was recently solved by H.P. Salomon who discovered and positively identified a copy of the work in the Royal Library of Copenhagen, where it turned out to be appended to Samuel da Silva's *Treatise on the Immortality of the Soul*, being a refutation of Da Costa's work. The announcement of this discovery as well as Salomon's fascinating search for it is described by him in, "A Copy of Uriel Da Costa's *Exame das Tradicoes Phariseas* Located in the Royal Library of Copenhagen," 1990. The work was subsequently published in facsimile, translated and annotated in 1993 (with Da Silva's refutation appended) by H.P. Salomon and I.S.D. Sassoon as *Uriel Da Costa. Examination of Pharisaic Traditions*.  
Pertinent to Da Costa, inter-Jewish anti-Rabbinic polemical writings, as well as the conditions under which one may be granted the title of "heretic," is the historical riddle concerning the authorship of the early 17th century work *Kol Sakhal*. Officially anonymous, it has been attributed to a number of authors. The one to introduce and name the work was the Italian rabbi Leone da Modena (1571-1648), who had previously composed a refutation of some of Da Costa's utterances, at the behest of the Hamburg Jewish community, entitled *Magen ve-Tzinah*. The work had come into Modena's possession in 1622 through a friend and was purported to have been written in Spain in the year 1500 by a certain Amitai bar Yedaya ibn Raz. In the printed edition of 1852, the *Belunat ha-Kabbalah*, the *Kol Sakhal* is followed by an incomplete pamphlet, entitled *Sha'agat Arveh*, containing a refutation of the former. Other than mentioning that at one time Uriel Da Costa was considered as possible candidate, which is now ruled out thanks to Salomon's discovery, as well as Modena himself, this is not the place to delve into the still unsolved debate on its authorship, save listing some of the literature on this topic which provides citations from the work as well as the relevant bibliographical information. Sonne 1931 and 1948; Rivkin 1947-50; Barzilay 1974a; Salomon and Sassoon 1993: 24-32.
- <sup>9</sup> Kaplan, Popkin, et al. (eds.), deal with various aspects of his life in *Menasseh ben Israel and His World*, 1989.
- <sup>10</sup> Harris 1995: esp. ch. 5. Cf. on the nature of *Conciliador* also Rosenbloom 1992.
- <sup>11</sup> Popkin 1985. On the underlying concerns of the English Quakers in relation to Scripture and inspiration, e.g., Reventlow 1984: 225-229. This book is especially valuable for its collection and analysis of the views on Scripture in relation to philosophy, politics, and authority circulating in 17th and 18th century England.
- <sup>12</sup> On Spinoza's exegesis, see e.g. Polka 1992 who argues against Strauss's view on Spinoza's interpretation of the relationship between philosophy and theology (esp. pp. 21-23) and then clarifies how Spinoza uses his conclusions as the basis for his interpretation of Scripture (pp. 29-32). More in line with Strauss and Yovel is Slyomovics 1982: 232-254. Cf. also Stuermann 1960; Z. Levy 1989: 47-49, 53-60; of special interest is the last chapter on Spinoza's "Hebrew Grammar," 155-187; Preus 1995. Faur 1992: 169 adds the interesting observation on Spinoza's thought "that with the destruction of the Jewish state, the Law is no longer binding...Here Spinoza was echoing Christian doctrine that the Tora...was now dead. Hence, although he recognized that only the duly appointed authorities have the right to interpret the law...and denied to others the right to interpret his works in a different light than his alleged intentions...he arrogated for himself the right to interpret the Law of the Jews at his will: the Jewish people are politically dead and the interpretation of their Law is no longer under their charge."
- <sup>13</sup> Translated by Elwes 1951 (1883); recently by S. Shirley; Leiden: Brill, 1991. See also review of the latter by Yaffe 1993. Spinoza outlines his method in chapter VII of his *Treatise*, entitled "Of the Interpretation of Scripture." Shlomo Pines 1987 assesses the *TTP* in light of Spinoza's Jewish precursors.
- <sup>14</sup> Elwes 1951: 101; Preus 1995: 384-385. The question whether it was Maimonides or a Christian contemporary whose views are under attack is not relevant for our purpose, but that makes the possibility not less interesting.
- <sup>15</sup> Schwarzschild 1962: 48.
- <sup>16</sup> Elwes 1951: 120.
- <sup>17</sup> Elwes 1951: 124.
- <sup>18</sup> Haran 1986, esp. ch. V. See also: Harris 1993: 129-143.

## II. 4. *The Jewish Position on Authorship*

From the development of general European thought, and that of Germany in relation to Wellhausen in particular, we now turn to the wellsprings of traditional Jewish opinions concerning the authorship of the Pentateuch. This is relevant as they form the foundation of Hoffmann's position and moreover explain why he could not but have opposed the new insights into the biblical text. Furthermore, a short analysis of this issue will help determine Hoffmann's place in the realm of Jewish thought in relation to biblical scholarship. Jakob Petuchowski,<sup>1</sup> in fact, already dealt with this issue. Though his definitely is a partisan interpretation from the side of Reform Judaism, his article certainly sheds some light on our problem. He classifies Hoffmann's position as demonstrated in his *Instanzen*, without actually naming him, as belonging to a school of thought which is "fundamentalist," "typically orthodox," "adhering to a dogma clearly stating the Mosaic authorship of the Pentateuch."<sup>2</sup>

As seen, the certainties that biblical criticism cast doubt upon, were: 1) the unity of the text of the Pentateuch; 2) its authorship; 3) its date of composition.<sup>3</sup> All three were of such a nature as to undermine the security of both orthodox Christianity and Judaism. For Judaism, yet an extra concern crept in, for the general trend of these investigations undermined the very integrity and legitimation of Judaism and the Jewish people themselves. Hoffmann, however, restricted his attack methodologically to a scholarly refutation of the arguments.

Jon Levenson<sup>4</sup> provides some valuable observations concerning the authorship of the Pentateuch. He presents two major traditional Jewish views from the Middle Ages pertaining to this issue.<sup>5</sup> One is voiced by Moses Maimonides (1138-1204) whose dictum rose to the status of veritable dogma and has become singularly decisive. The other is by Abraham Ibn Ezra (1092-1167), who, because of his cryptic remarks, is rather glossed over as these remarks are considered to be uncomfortable. This fear seemed justified in the light of Spinoza's (mis)use of Ibn Ezra's statements<sup>6</sup> (See ch. II.2). It is after all Mishnah Sanhedrin 10:1, on which Maimonides comments, which states that anyone who would suggest that the Torah is not from heaven, would be excluded from the world to come.

In the eighth of his thirteen principles Maimonides states, among other things, that 1) the Torah is from heaven [God]; 2) the entire Torah as we now have it was the one given to Moses by God; 3) it was dictated to Moses who took it down like a scribe. Therefore there is no difference between verses of seeming unimportance and those containing important commandments.<sup>7</sup> Levenson describes how the focus of Maimonides' dictum shifted from an emphasis on the question whether the Torah in its present form is of divine or human origin (it certainly is divine!) to the question whether it was Moses or someone else to whom

the Torah was first made known. This would correspond to the very mishna it comments upon, which, as said, would exclude anyone from the world to come who would deny that the Torah is from heaven. Yet, "like most medievals Maimonides simply *assumed* Mosaic authorship" although he does certainly point out the fact that it is divine origin rather than Mosaic authorship which is the issue. Levenson then elaborates on the status of words (of God) uttered by a prophet in relation to those he would speak on his own account. Thus God would become something like an "author-redactor, rather than the sole author, of the Torah."<sup>8</sup>

We now turn to Ibn Ezra. That he had quite a few things to say on the issue of authorship, was already shown above, where we dealt with Spinoza's use of his words.<sup>9</sup> Ibn Ezra had noticed a chronological problem concerning certain passages in the Torah as to their relationship to the person of Moses.<sup>10</sup> Some information relayed in those passages seemed simply to be post-Mosaic. Other passages have the appearance of later interpolations, as they supplement the information in a given verse with remarks of the nature, 'as it is called unto this day.'<sup>11</sup> All this could certainly be very problematic if it was to be assumed that Moses himself was solely responsible for the text as we have it. In his commentary on those passages he therefore includes some cryptic remarks of the nature (like those on Gen. 12:6): the person who understands will keep quiet. Joseph Bonfils (Tov Elem), who lived in the mid-14th century and wrote a super-commentary (Tsafnath Paneach) on Ibn Ezra's, deals with those remarks that seem to indicate that he had spotted an anachronistic phrase:<sup>12</sup> late statements may be based on oral traditions going back to the person to whom the statement is attributed, and therefore it would be considered as if the earlier person had written the statement. With regard to Gen. 12:6 ("The Canaanites were then in the land"), Ibn Ezra's comments: "It is possible that Canaan seized the land from someone else. And if it is not so, it has a great secret, and the person who understands will keep quiet." Bonfils adds to this: "Similarly, in this case, Israel had a tradition that in the days of Abraham the Canaanite was in the land, and one of the prophets wrote it down here. And since we are to have trust in the words of tradition and the prophets, what should I care whether it was Moses or another prophet who wrote it, since the words of all of them are true and inspired?"

Little less than a century after Ibn Ezra, another scholar would voice even more daring thoughts with regard to textual problems in the Hebrew Bible; however, not couched in concealing language. Yehuda he-Hasid (1150-1217), the author of the famous *Sefer Hasidim* and one of the pillars of the *Hasidei Ashkenaz* movement (the pietists from the German Rhineland), was also responsible for a commentary on the Pentateuch, although it was committed to writing by his son. It was in this commentary that ideas are found that,

only now when, in the late 20th century, an edition of the commentary has been published, have caused a minor storm within the Orthodox establishment in America and called for extreme action, resulting in a censored second edition, even though the initial recommendation was to take it out of circulation altogether.<sup>13</sup> The object of this wrath is the edition that was produced by Isaak Lange.<sup>14</sup> In two responsa, somewhat venomous in tone, Rabbi Moshe Feinstein of New York<sup>15</sup> presents many of the talmudic sources pertaining to authorship, only to reject those opinions that do not reflect *in toto* the view of a letter-perfect Torah text, all of which was written down by Moses at God's command. He then finds further support for his position by quoting those views of Maimonides that would withhold from a person who denies any of this, his portion in the World to Come, or worse. Interestingly, when it comes to denounce a suggestion in the commentary that a certain passage in the Torah (i.e., Deut. 2:8) would have been written in the time of the Great Assembly as it reflects the reality of the time of King Solomon, Rabbi Feinstein invokes (of all people!) Ibn Ezra, who suggested in his commentary that the book of a certain Yishaki was to be burnt for its perceived heretical suggestions, and then suggests that this particular edition of Yehudah he-Hasid's commentary is even worse than that.<sup>16</sup> Yehudah he-Hasid's innovative ideas do not stop with the composition of the Pentateuch, but extend to all of the Hebrew Bible. For instance, concerning Psalm 136, it is suggested that this psalm was composed by Moses, had been part of the Torah originally, but removed by King David and added to the collection of psalms. Rabbi Feinstein refers to this as the greatest heresy with regard to the Torah as well as a defamation of King David, especially because he sees no other reason in it than provocation.<sup>17</sup>

While Brin deals exclusively with the method of Yehudah he-Hasid's exegesis and especially its critical character, Ivan Marcus, the great scholar of German pietism, in a recent study contributes to the better understanding of this particular commentary by placing it into its historical and religious context and analyzing the way it may have functioned.<sup>18</sup>

The confusion created by all of the above seems to lie in the approach to the origin of the text. A shift in understanding and emphasis can be observed from the position of 'Torah from heaven,' to 'Torah from heaven, dictated by God, written down by Moses,' to 'Torah written by Moses'. In other words this could be interpreted: 'Torah from God,' 'Moses copyist,' 'Moses author.' The discussion on the nature of Moses' utterances, namely the difference between those of 'Moses the prophet,' and 'Moses the person,' further fueled the confusion. Petuchowski tries to solve the problem by separating these issues. He says: "The question is not: 'is it Mosaic?'...The question we are called upon to answer is, 'Is it from heaven?'"<sup>19</sup> In other words, in this opinion, neither the name of the copyist nor the actual

date of writing down are relevant to the weighty issue of the origin and nature of the text.

But this is not the general view. Citing Shalom Rosenberg, Levenson states: "biblical criticism would exceed its legitimate role 'only if there would be built upon the 'scientific' theory a theology that, by relying on this theory, would justify the nullification of the commandments (*mitzvot*) or changes in the religious law (*halakhah*).' If critical study refrains from endorsing those two agendas (represented typologically by Christianity and Islam), Rosenberg suggests, it should elicit no quarrel among traditional religious Jews." <sup>20</sup> With regard to scholars who try to separate the issue and, in this way, attempt to be traditional Jew and critical scholar at the same time, Levenson adds in a footnote: "The question of whether an Orthodox thinker remains Orthodox after accepting a non-fundamentalist understanding of the process of composition of the Torah is, of course, complex and controverted." <sup>21</sup>

Before we can place the phenomenon of biblical criticism into its proper context, we must establish the relationship between it and the object of the criticism, the biblical text. Indissolubly connected with the question of the acceptability of biblical criticism are the nature and authority of the biblical text as a holy and revealed scripture. Involved here are questions concerning the nature of the act of revelation and that what was actually revealed. Simply put, is there a difference between content and form, or are they identical? As explained above, this matter was of special import for Muslim thinkers ever since the rise of Islam. They had to define their own legitimate place on the stage of world religions, and the vehicle through which to do that was the Qur'an. This latest of the revealed books had to become, at the same time, the only authentic, originally intended revelation, abrogating the two former flawed ones, i.e. the Jewish Torah and Christian New Testament. This was achieved through the establishment of two doctrines; namely the eternal, perfect, and inimitable nature of the Qur'an and concomitantly the perfect nature of the Qur'anic Arabic language. These two doctrines created a strong obstacle against the acceptance of modern critical Qur'an study within the Muslim community. <sup>22</sup> This was quite different in the early centuries, when the Qur'an was studied as literature and as a historical source. Muslim scholars would try to determine its chronology and *Sitz im Leben*.

A fascinating early, though not authoritative, Jewish view on the relationship of content and form of revelation is found in the philosopher Philo of Alexandria (ca. 20 BCE-50 CE). Research indicates <sup>23</sup> that for Philo it is Moses who is ultimately responsible for the written text of the Bible. This is in stark contrast to the Rabbinic view, according to which the role of Moses is limited to that of transcriber. For Philo Moses has a share in the divine and God speaks *within* him. According to the Rabbinic view, God speaks *to* Moses.

There are different modes of communication between God and Moses on the one hand, and Moses and mankind on the other. Direct communication from God to man is not of a verbal nature, but man apprehends the divine revelation via *intellection*, which Philo describes as a form of mental sight or vision. This is also a direct outgrowth of Philo's abhorrence of anthropomorphism of which speech would be representative! In the case of the Ten Commandments, all of Israel was endowed with this power of mental apprehension. As we have seen, the same theme recurs in Islamic theology in the discussion concerning the nature of God's speech. Those objecting to the idea of God formulating words that could actually be heard by a prophet (be it Moses or Muhammad) stated that in order to produce actual audible speech, even God would need a mouth; and such a gross anthropomorphism, of course, was out of the question.<sup>24</sup>

Philo states that all things written in the sacred books are oracles, delivered through Moses. Yet the actual form of the oracles is verbal. In other words, although the oracles are communicated from God to man in a non-verbal form, in the human environment they acquire the form of nouns and verbs. Philo uses these terms when referring to the actual verbal text of the Pentateuch. Moreover, not only have these oracles a verbal form, they also have a specific literary form. In short, Philo ascribes both the written text of the Pentateuch as well as its literary structure to Moses. The specifically 'human' contribution of Moses to the written form of the Pentateuch is not derived only from his proficiency in philosophy, but it is also technical, dependent on the skill (*τεχνη*) of rhetoric (i.e., the science of formulation of thoughts into words).

Whereas Y. Amir and H.A. Wolfson are of the opinion that Philo considered Mikra as being more than and different from literature, Kamesar shows that Philo's categories of secular literary traditions apply just as much to his view on the position of biblical literature. In other words: the revelation which Moses receives from God comes to him via the sight of the mind, but it must pass through the human agents Moses and Aaron, and be 'technically' elaborated by them. Only then does it become a written biblical text expressed via nouns and verbs, and that text is apprehended via the sense of hearing. This is in line with Philo's general opinions.<sup>25</sup>

We may conclude, then, that the acceptance of biblical criticism depends on the level of holiness ascribed to all or some of the parts of the "package of revelation." Thus the relationship is a proportional one: the greater the share that is attributed to the Divinity the less is the tolerance for criticism. Conversely, the greater the human portion in the text, the more it becomes open to criticism. Of course, if no divine portion is recognized at all, there are no limitations to the criticism that can be leveled against the text and its contents. In fact,



most of the categories that apply to "polemics," as we have seen before, are in force with regard to modern biblical criticism, with the difference that, in this case, they also apply to that what goes on within the same belief group, i.e., within the group that is judging its own holy scripture.

<sup>1</sup> Petuchowski 1959: 356-360.

<sup>2</sup> Petuchowski 1959: 356.

<sup>3</sup> With regard to these issues see the chapter "Prelude to Biblical Criticism." A useful collection of sources can also be found in Leiman, 1976.

<sup>4</sup> Levenson 1993; esp. ch. 3, "The Eighth Principle of Judaism and the Literary Simultaneity of Scripture," 62-81, with many useful bibliographic references. (Revised from JAAR 68(1988)2). Further on Maimonides' "Eighth Principle," see Jacobs 1964. More recently, see on this issue Shapiro 1993 plus notes. He lists a number of traditional Jewish authorities whose opinions with regard to this issue are not quite in concert with that of Maimonides, without ever jeopardizing the traditionally held opinion concerning the proper place of Scripture. Maimonides' dictum, then, turns out to be one opinion among many. The pursuant discussion can be found in *Torah U-Madda Journal* 5(1994): 182-189.

For the opinions of the other great medieval philosophers and authorities on the issue of revelation (Torah from heaven), see e.g. Kellner 1986; Rabinowitz 1965. Also, A.J. Heschel 1965 II, 27-32. For thoughts on this issue from our specific period, see Kurzweil 1985, esp. ch. 6, "Torah min ha-Shamayim in Neo-Orthodox Perspective," 79-91; Kasher 1960: 328-379.

<sup>5</sup> Sarna 1971 provides some insights as to how the Spanish commentators and grammarians dealt with textual problems and sought to solve them.

<sup>6</sup> See also: Harris 1993: 129-130, 131-132.

<sup>7</sup> Contained in his Mishna commentary, in the preface to M. Sanh.10:1, listing those categories of Jews who would under certain conditions lose their share in the world to come.

<sup>8</sup> Levenson 1993: 64.

<sup>9</sup> Cf. Maier 1832, who clearly disagrees with those who would credit Ibn Ezra with a 'critical' - in the modern sense - attitude towards Scripture. Authorship for him is, therefore, clearly Mosaic except possibly for a few passages. Instead, Maier sees the object of Ibn Ezra's scorn, Isaac ben Jasos (11th c.) as a critical scholar *avant la lettre*. An important contribution concerning this issue is provided by U. Simon 1993.

<sup>10</sup> BT Baba Bathra 14b-15b, which discusses the authorship of the various biblical books, actually states that Joshua wrote the last eight verses of the Torah. So does BT Menahot 30a, which deals with the laws pertaining to the writing of a Torah scroll. But this latter source also mentions the opinion that Moses wrote it with tears in his eyes. Hoffmann discusses this very issue in his "Der Talmud über die letzten 8 Verse der Torah" (1915). In this article he discusses the halakhic implications of the status of these particular verses with regard to the weekly Torah reading in the synagogue and, more importantly for this thesis, the various opinions on whether Joshua was responsible for writing down these last verses, or whether, indeed it had been Moses himself. He ends with a very creative harmonization of the afore mentioned opinion and the often voiced idea that Moses had written down the last eight verses עמד (overwhelmed by tears, or: with tears!) by suggesting a use of some sort of invisible ink (stating the talmudic sources actually describing such inks) used by Moses and later copied over by Joshua!

Ibn Ezra went even further. In his opinion, the last 12 verses of the Torah were to be attributed to Joshua. He makes a cryptic reference to this effect in his commentary on Deut. 1:2. In his commentary on Deut. 34:1, however, he states outright that, unless Moses wrote about himself in a prophetic vein, they could not have been written by him. Indispensable in this respect is the lengthy chapter in Friedlaender 1877: 47-101, esp. 60-67. Friedlaender proposes a rationalistic approach to Ibn Ezra's so-called mysteries and secrets and cautions against perceiving them as proto-critical remarks. See on this aspect of Ibn Ezra also: Sarna 1993: 17-19.

<sup>11</sup> For a listing of these passages, see e.g. Maier 1832. On Ibn Ezra as a commentator and an analysis of views, see Biale 1974, and see note 9 above.

<sup>12</sup> Levenson 1993: 65 ff.

<sup>13</sup> Just how daring these thoughts are, is demonstrated in a detailed, though brief study by G. Brin 1981.

<sup>14</sup> *Peirushet ha-Torah le R. Yehudah he-Hasid*, Jerusalem, 1975. It concerns here an eclectic edition, based on a number of manuscripts as well as citations attributed to Yehudah he-Hasid, taken from various other works. This immediately raises some problems as to authenticity and accuracy of the citations found in the works of other writers. Compounding the problem is the fact that it was Yehudah he-Hasid's son who wrote down his father's commentary from memory after the latter's death.

<sup>15</sup> *Sefer Igrot Moshe, Yore De'ah*, New York, 1981: 358-361. In his responsa Rabbi Moshe Feinstein, in true polemical style, gratefully utilizes the weaknesses of this edition, outlined in the previous note, by suggesting

that the heretical ideas could not possibly have originated with Yehudah he-Hasid but were put there by malicious forgers and heretics in order to lead the people astray. For an understanding of the clash of the various views outlined in this chapter, see e.g. B. Levy 1992: 159-204.

<sup>16</sup> See note 9 above. Was Kay Feinstein not aware of Ibn Ezra's controversial position among commentators in this respect? At the end of the first responsum, he furthermore shows unfamiliarity with the identity of R. Menachem Zioni b. Meir (see *EJ* 11:1313-1314), a 14th-15th century German kabbalist and commentator from whose commentary on the Torah, *Zivvoni*, Lange obtained citations of R. Yehudah he-Hasid and utilized them for his compilation of He-Hasid's commentary.

<sup>17</sup> For further examples I refer to Brin 1981, as well as the responsa by Rabbi Moshe Feinstein.

<sup>18</sup> Marcus 1989. Interestingly, Marcus does not deal with the "critical" aspect of Yehudah he-Hasid's exegesis, while Brin does not place the commentary in the broader perspective of the mystical thought of the *Hasidei Ashkenaz*. Marcus concludes that among the *Hasidei Ashkenaz* two kinds of exegesis circulated, an esoteric one "for the few" and a literal, "simple" one "for the many." Whereas the esoteric lore was considered to having originated at Sinai and been handed down through generations of the elect and was of real import, the literal commentary seems to have been unconnected to that tradition. While the secret esoteric teachings deal with the true meaning, the inner core, of the Torah, so to say, the simple "peshat" commentary deals with the outer core, the text, of the Torah. This description bears an inescapable resemblance to the metaphor found in the Zohar (to Beha'alothekha Numbers, 152a b 211-212) which compares the text, the narrative of the Torah with earthly outer garments which conceal the inner true meaning which can only be attained by those who are worthy. In fact, if the Torah would only be the sum of its stories, the nations of the world possess books of greater excellence! Moreover, the Zohar warns that anyone who mistakes this outer garment for the Torah itself, will lose his portion in the next world. Taking all this into consideration one sees the following picture emerge. Assuming that similar ideas such as the one presented in the Zohar might have circulated in mystical circles just preceding the composition of the Zohar, would it not be possible that the libertics Yehudah he-Hasid allowed himself with regard to the text originated in a notion that this would never affect the true meaning of Torah, but was only descriptive of its outer garment so to say, and therefore totally legitimate?

On the mystical interpretation of the concept of Torah and the letters of the Hebrew alphabet among the *Hasidei Ashkenaz*, see E.R. Wolfson 1993. More in general, see Scholem 1972 on linguistic theory in Jewish mysticism and the implications for the Torah text. Also Idel 1989, chapter 2, on "The Meaning of Torah in Abulafia's System."

<sup>19</sup> Petuchowski 1959: 360.

<sup>20</sup> Levenson 1993: 66.

<sup>21</sup> Levenson 1993: 170, on this question, see also Breuer 1986: 172-173.

<sup>22</sup> See *EJ*<sup>2</sup> "I'djaz" and "al-Kur'an." Lazarus-Yafeh 1992: 16-17 notes an interesting polemical remark by Judah Halevi which seems to be directed at both Islam and Karaism at the same time. In his *Kuzari* (Hirschfeld ed., p. 106) he attributes certain *i'djaz* characteristics to the Mishna: its traditions are reliable; its language is pure, it has beauty of style, excellence of composition, etc. Moreover, it must be obvious to anyone that no mortal man would be capable of composing such a work without divine assistance.

An attempt at criticism of Qur'anic traditions was made by the Israeli Druse historian, Suleiman Bashir, who published on his reservations concerning the historicity of Muhammad and the generally perceived way of how the Qur'an has come into being, based on his extensive studies of primary sources. Bashir came under heavy attack on account of his studies and consequently had to move away in order to complete his research. See Richardson 1985 in an article which itself is unfortunately not free from polemical tendencies.

<sup>23</sup> Wolfson 1947 I: 138-143; *ibid.* 1960: 101-124; Amir 1988; Kamesar 1995. Also relevant is Mack 1982.

<sup>24</sup> Van Ess 1996.

<sup>25</sup> Some of the medieval Jewish positions on this issue are treated by Howard Kreisel 1987. He deals with Sa'adya, Judah Halevi, Maimonides, and Gersonides. On Sa'adya, see Altman 1943. See as well Wolfson 1979, esp. chapter IV on "The Pre-Existent Koran and the Pre-Existent Law." Moshe Idel 1989: 29-81 describes the meaning of the Torah in the system of Abraham Abulafia, the 13th century Spanish founder of ecstatic Kabbalah.

### III. *Biblical Criticism*

#### III. 1 *Introduction*<sup>1</sup>

This chapter provides an overview of some of the critical theories leading up to the Documentary Hypothesis of Graf and Wellhausen,<sup>2</sup> which is based on the recognition of multiple authorship of the Pentateuch. These sources or documents are called 'J' and 'E,' derived from the use of the two divine names, 'P' for the so-called Priestly Codex (largely at the basis of the book of Leviticus and other legal portions), 'D' for the 'Deuteronomist', the presumed author of the book of Deuteronomy and historical texts of a certain signature.

Spinoza was followed by a host of scholarly minds who would deal with the issues outlined at the beginning of chapter II. 4. Interestingly, while his premises were refined by the following generations, the motives were initially completely contrary to his. Spinoza operated from an attitude of total freedom of inquiry and critique, which resulted in a decomposition of all hitherto held values with regard to the scriptural text. Although he initiated the notion of projecting the composition of the entire Pentateuch to the period of Ezra, whereby denying its Mosaic authorship, it was not Spinoza who conceived of the 'documentary' theory.

Immediately following Spinoza we find in France the clergyman and Bible scholar, Richard Simon (1638-1721), whose *Histoire critique du Vieux Testament* of 1778 caused a storm of protest and eventual suppression. In 1682 it was published in English in London. In 1677 it was introduced thus:<sup>3</sup>

Soon we will have a historical critique of the books of the Bible where there will be many bold assertions. The author maintains that the Canon of Scripture was not settled until after the Exile, and that the Sanhedrin was able to add and remove whatever it wanted from the Scripture, which he believes to have been maltreated just like any other book. There are many things of that nature which seem dreadful to me. However, this work will be good and useful.

The reason for the controversy was found in its claims that Moses was not the author of the Pentateuch, or at least of all of it, by which he was perceived as undermining the authority of tradition. Simon rather saw Moses as a link in a chain of tradition, which was divinely inspired to write down part of Israel's history. Each of these authors in turn were divinely inspired to reinterpret. These scribes took materials from various sources, combined, added, left out, etc. In Simon's mind all this would not take away from the authority of Scripture. What he suggests, then, is an editorial process for the Bible. By doing this he tries to account for textual problems and to save, rather than discredit scriptural authority, as had been done by Spinoza and La Peyrère.<sup>4</sup> This constitutes his originality.

The idea of a 'documentary' theory may be attributed to Jean Astruc (1684-1766). This French court physician, son of a Huguenot preacher, may have been of Jewish descent. He is considered to be one of the founders of classical biblical criticism. Interestingly, though, it was exactly through the notion that Moses would have drawn on earlier documents that he tried to safeguard the authority of a Mosaic text! This is witnessed by the very title of his work: *Conjectures sur les mémoires originaux, dont il paraît que Moïse s'est servi pour composer le livre de la Genèse* (1753). In it he attempted to show that Moses was the redactor of Genesis and the first two chapters of Exodus and made use of two parallel sources, identified by the use of the two divine names, and ten fragments, all written before his time. It was Astruc who actually launched the idea that the use of the two divine names could actually imply a distinction in authorship.<sup>5</sup>

He was followed by Johann Gottfried Eichhorn (1752-1827), a German historian and biblical scholar and student of J.D. Michaelis. He introduced the idea that the biblical authors were to be understood through "the primitive or oriental mentality" they supposedly possessed. This kind of research was helped by the findings of the "classicist C.G. Heyne, who used the then available knowledge of contemporary 'barbaric' peoples, such as North American Indians, in order to interpret ancient Greek texts, and by J.G. Herder, "who stressed the importance of entering into the soul (*Geist*) of ancient people if their literature was to be fully understood." On the other hand, Eichhorn produced in his *Einleitung in das Alte Testament* (3 vols., 1780-83) which ran into four editions (the 4th edition including 5 vols., 1820-24) and several reprints, a further refinement and justification by means of a recognition of peculiarities of linguistic usage of Astruc's two sources, wherewith he anticipated Wellhausen's 'Documentary Hypothesis' to a great extent. Moses Mendelssohn's biblical studies were greatly influenced by Eichhorn's *Einleitung*.<sup>6</sup>

One theory followed another. Thus in 1798 K.D. Ilgen suggested, that more than one author had been at work at the E-source in Genesis. The criteria he employed "in his source division were headings marking breaks in the material, repetitions, differences of style based upon philological and linguistic considerations, and differences of content and outlook".<sup>7</sup>

So far the results of this research had no consequences for the history of Israelite religion. While Mosaic authorship as such had often been in doubt before Eichhorn, he himself, like Astruc, was a defender of Mosaic authorship based on his belief in the antiquity of the narratives.<sup>8</sup>

In 1805 Wilhelm M.L. De Wette (1780-1849)<sup>9</sup> isolated a further source, by showing that Deuteronomy differed significantly from the other books of the Pentateuch. He suggested a link between Deuteronomy and the reform that took place under Josiah (II Kgs 22-23)

and thereupon concluded that the book must have been composed during that period, which makes Deuteronomy significantly later than the other books of the Pentateuch. He makes his case concerning the lateness also based on arguments of style. In refutation of those who defend Deuteronomy's antiquity on the basis, e.g., of Deut. 28, which captures best the peculiar style of the book, being a speech, De Wette retorts that Lev. 26 - also a speech - shares none of the stylistic peculiarities of Deuteronomy.<sup>10</sup> Yet, he did not carry this theory with regard to the dating of the sources to its logical end. This was left for Wellhausen and his school.

He was the first to present a view of the history of Israelite religion that is radically at variance with the view in the Old Testament itself, and it is this notion that would form the foundation for the development of critical scholarship in the 19th and 20th centuries.<sup>11</sup> According to the older view, the Israelites received from Moses "a fully-fledged legal system, sacrificial cult, and priesthood." According to De Wette, Moses did nothing of the sort and the ascription of these mature systems to Moses is anachronistic, or 'mythical'. For De Wette 'mythical' is identical with 'unhistorical.' This position was a logical outgrowth of the sentiments of the times. In the German literary world of the latter third of the 18th century the study of mythology formed a major preoccupation. It is in this world that the idea takes root of myth being not history or allegory, but poetry and therefore a product of a dream-like fantasy. However, myth did contain lofty ideas and its form of expression was noble and artistic. Here it is, probably, that De Wette gains the understanding that the text of the Bible was to be seen in the light of its being poetry, expressing the ideas of the people that produced it.<sup>12</sup> When discussing the way art functions within religion, De Wette returns to the religious expression of mythology/poetry, as "myths are spontaneous and poetic creations which give expression to intimations of freedom, harmony and purpose." Yet at the same time he warns that the danger lies in the fact that they may be taken literally "and be believed to be expressing explanations at the level of knowing."<sup>13</sup> Despite his laudatory comments about Hebrew poetry and his vehement defense of the study of Hebrew as well as approaching Scripture in its original language in order to grasp its meaning; at the same time he makes a rather arrogant and derogatory remark concerning it, reported by Rogerson, in connection with a German translation of the Bible that he was preparing: "He [De Wette] was not trying to translate the Bible into the German of the nineteenth century, because he believed it was difficult to separate the form of a language and the ideas that were expressed in it. Hebrew had a childlike and naive way of expressing its ideas, as witnessed by the frequent use of 'and' which could be found today in the speech of children and of ordinary people."<sup>14</sup>

He, furthermore, attacked the authenticity of the books of Chronicles by showing that the "Mosaic-Levitical religion practiced from the time of David was an anachronism, and a back-projection" to the pre-exilic situation.<sup>15</sup>

Rogerson summarizes De Wette's conclusions from his *Beiträge zur Einleitung in das Alte Testament* (2 vols., 1806-7) as follows:

- 1) The books of Chronicles are late in composition, and provide no reliable evidence for the religion of Israel in the pre-exilic period.
- 2) The Pentateuch in its final form is a late compilation. The first clear evidence for existence of part of it is in Josiah's reign when the idea of an authoritative 'book of the law' is quite new.
- 3) The traditions in the Pentateuch do not provide information about the history of Israel in the pre-settlement period. In many cases they are mythical, i.e., unhistorical free and poetical compositions expressing the spirit of the Hebrew religion in the monarchic and later periods.
- 4) The history of Israelite religion was quite different from that implied in the Old Testament read uncritically. In the period down to Josiah (7th century), there were no fixed central sanctuary, no precise regulations about the 'how' of sacrifice, and no priesthood established so as to strictly regulate the worship of the people. In the Old Testament as we have it, there is a reading-back into the earliest periods of Israelite religion as it later came to be.<sup>16</sup>

The concerns expressed by Breuer and Schechter<sup>17</sup> with regard to the relationship between the critical study of the Hebrew Bible and the anti-Judaic consequences for Israelite history can be aptly illustrated with regard to De Wette's work as well. Rogerson, in giving an account of De Wette's historical findings, describes the contrast between the "Hebrew religion," which had yet possibilities despite its being "capable of deterioration," and "post-exilic Judaism" which "was an abortive (*verunglückte*) revival of Hebrew religion: a mixture of positive elements of Hebrew religion with foreign mythological doctrines that purported to give metaphysical explanations, for example, of the origin of evil and of the end of the world. Judaism lacked prophets and it was tied to the letter and not the spirit of Old Testament traditions. In short, whereas Hebrew religion was a thing of life and inspiration, Judaism was a matter of concepts (*Begriffe*) and of slavery to the letter (*Buchstabenwesens*)." <sup>18</sup> It is interesting to note that while De Wette had a clear preference for the Old Testament over the New and emphasized the dependence of the latter on the former,<sup>19</sup> he had, like his contemporaries and the following generations of biblical critics, a very negative view of post-biblical Judaism and that of his day. He was of the opinion "that Jews should not be granted citizenship, that they presented the danger of being a state within the state, that their numbers should be restricted (however, not by force), and that their children should be encouraged to convert to Christianity."<sup>20</sup> These stereotypical ideas basically reflect the social consequences of earlier persistent notions prompted by the inherent early Christian philosophy of Judaism

having been superseded by Christianity. The way this is done is again repeated by De Wette when he makes a clear distinction between the old Hebrew religion of the Old Testament and its having been replaced by Judaism after the return from the exile,<sup>21</sup> as if there were no continuity at all between the pre- and post-exilic religion!

The following decades, until the consolidation under Wellhausen, gave rise to a number of opinions as to the origin and development of the Hebrew Bible; the sequence of sources was hotly discussed and theories rose and fell. The next significant name is that of Wilhelm Vatke (1806-1882) who followed in De Wette's footsteps. He was heavily influenced by Hegel's historical philosophy in his analysis of biblical religion. His most important work, *Die biblische Theologie wissenschaftlich dargestellt* (vol. 1, pt. 1 only, 1835), was the first attempt to approach the Bible from the Hegelian viewpoint of historical evolution. He was the first to suggest an origin for the priestly sections in the Pentateuch in the final stage of biblical history, i.e., the Babylonian Exile. A year earlier Eduard Reuss of Strassbourg reached a similar conclusion, but he would not publish his theory until 1881. Vatke's book did not receive recognition until the 1860s, with the publication of the works of Graf and Kuenen. "Vatke divided the history of biblical religion into three main phases: the primitive, reflected in the Former Prophets and the earliest layers of the Pentateuch; moral consciousness: expressed in the prophetic writings and in Deuteronomy; and the institutionalized-ritual phase, as reflected in the priestly sections of the Pentateuch."<sup>22</sup>

The great innovation of Eduard Reuss (1804-1891) was the fact that he initiated the view that the prophetic books are older than the legislative books. He defended this thesis as early as 1834 in his lectures, according to his own account, but did not publish them until the years 1874-1890, after his student and friend, Karl Graf had defended this view in 1866. These ideas were similar to those propounded by De Wette (1806) and Vatke (1835). Reuss says about these ideas that they came to him as a result of intuition. He made his statement in his *Die Geschichte der Heiligen Schriften Alten Testaments* (Braunschweig, 1881) adding that he had hesitated to publish his thoughts out of fear for the ruling conservative ideas of the period.<sup>23</sup> This innovation, of course, leads straight to (if it was not derived from) the christological conclusion that, if the legal parts of the Bible would be younger than the Prophets, the Prophets would have been totally free from the Law! The legal aspect would merely be a dead-end sidetrack, while the Prophets would become the immediate precursors of Christianity.

Under Reuss's student, Karl Heinrich Graf (1815-1869) the hypothesis that the prophetic books preceded the legislative parts of the Pentateuch, received the attention that would make it into the basis for all critical biblical scholarship to come. In his *Die ge-*

*schichtlichen Bücher des Alten Testaments*, 1866, he formulated the view that the Priestly Code (the source including Leviticus), which had until then been considered as the oldest Pentateuchal source, was actually the latest. This notion the reconstruction of the history of ancient Israel was further developed by Wellhausen.<sup>24</sup>

Contrary to this extreme view, we see that August Dillmann (1823-1894) maintains the view of the more moderate version of the critical school, namely that the Priestly Code preceded E and J. An independent Deuteronomic source was based on E, according to his view. Moreover, unlike many higher critics of his day, he also maintained the priority of a pre-exilic P over D. His most important works on the interpretation of the Bible are his commentaries on Genesis (1892) and Ex.-Lev. (1897). In his posthumously published *Handbuch der alttestamentlichen Theologie* (1895) he rejected Wellhausen's philosophy of the development of Israel's religion and held that Israel's religion, which was centered on holiness, was unique in the ancient world.<sup>25</sup>

Herbert Hahn illustrates the importance of the new view concerning historical development that was a vital factor in looking at the biblical text anew. This conception of historical development was, in his view, the critics' most important contribution to the exegesis of the OT. He too relates it to the *Zeitgeist*, which saw "the evolutionary principle of interpretation prevailing in contemporary science and philosophy," the Darwinian revolution of evolution, as well as the evolutionary concept which had come to explain historical phenomena. This followed from Hegel's notion of "becoming" for the idea of "being."<sup>26</sup>

In conclusion, this section introduces two personalities who may very well be described as having provided the final foundation of critical biblical scholarship. With their work it found its final refinement. As we will deal with them separately, not only because of their impact, but also because they figure prominently in Hoffmann's refutation, only those data will be noted here that are relevant for the completion of the present section.

Abraham Kuenen (1828-1891) was a Dutch theologian and orientalist and professor at Leiden University. Together with Graf, he is responsible for the earliest scientific integration of the essential theses of the literary-critical school into biblical scholarship.

The central proposition of the Kuenen-Graf-Wellhausen school is that early Israelite religion developed along slow evolutionary lines, from patriarchal totemism to prophetic and priestly monotheism. This depends on the documentary hypothesis concerning the composition of the Hexateuch which assigns its material, in respective chronological order, to the J, E, D, and P documents. Earlier in the 19th century, the Priestly Code, the last of these documents (combined with E) had been held to be the first chronologically; the revolutionary insight of Graf and Kuenen was that P was post-Exilic.<sup>27</sup>



Julius Wellhausen (1844-1918)<sup>28</sup> was among the proponents of the radical revision of the history of Israelite religion, basing himself on the work of Graf and Kuenen. He moved P, which until then had been regarded as the oldest source (*Grundschrift*, 'primary source'), to post-exilic times.

Subsequently he analyzed the remaining historical books of the Hebrew Bible and applied the results of this research in his historiography *Geschichte Israels* (1878; later *Prolegomena zur Geschichte Israels*, 1882) in which he revived and refined the theses of De Wette and Vatke. He did not consider the Priestly Code and Chronicles as sources for the history of ancient Israel but only for post-exilic Judaism. Ancient Israel did not know theocracy as a hierocratic institution but only as an idea. The actual law originated only shortly before the Exile (Deuteronomy); after the Exile it became the basis of the canon in the form of the ritual law written down by the priests.

However, the impact of his scholarship was inescapable and he was to have a lasting influence even on his opponents, who attacked him vehemently, for instance with the claim that he was a Hegelian.<sup>29</sup> His view of Ancient Israel has been corrected in many details by the further development of literary criticism (H. Gunkel) and recent research on the Ancient Near East.<sup>30</sup>

<sup>1</sup> Most of the information in this overview is derived from the following works: *Encyclopedia Judaica* (1972); Rogerson 1985. Most scholarly works dealing with introductions to the OT, the (Hebrew) Bible, or Israelite history provide useful overviews of the development of biblical criticism as it is deemed indispensable to the understanding of the material treated in these works. Some useful examples are *Introduction to the Old Testament*, by Soggin 1983; *Israelite and Judaeon History*, Hayes and Miller (eds.) 1977. Both these books come with bibliographic introductions to each chapter. Useful too is Barton 1984a. Although he rather deals with the more modern scholars, he does touch upon the 19th century critics, analyzing various approaches to biblical study and showing in which direction the critical study of the Bible has gone since. In the same vein mention can be made of *The Hebrew Bible and its Modern Interpreters*, Knight and Tucker (eds.) 1985. There are scores of titles available, a more elaborate listing of which is unnecessary at this point.

<sup>2</sup> An excellent and essential overview of the issues and scholars concerned is provided by R.J. Thompson 1970.

<sup>3</sup> Lambe 1985: 156.

<sup>4</sup> *Ibid.*, 169-170, 174.

<sup>5</sup> *EJ* 2:809; *The Jewish Encyclopedia*, 1902, *ad loc.*

<sup>6</sup> Rogerson 1984: 17, 18; *EJ* 6: 517; *JE* II: 176.

<sup>7</sup> Rogerson 1984: 21; *JE* II: 176.

<sup>8</sup> Rogerson 1984: 21; on the credibility and authenticity of the accounts of Israelite history in the Hebrew Bible in late 18th century scholarship: Rogerson 1984: 24-27.

<sup>9</sup> Rogerson, 1984: 28 ff., 33; *EJ* 16: 476-477. See on De Wette also: Rogerson 1991; Briggs 1992: 1-16.

<sup>10</sup> Rogerson 1991: 41.

<sup>11</sup> *Ibid.*, 42.

<sup>12</sup> *Ibid.*, 47-49.

<sup>13</sup> *Ibid.*, 108.

<sup>14</sup> *Ibid.*, 70.

<sup>15</sup> Rogerson 1884: 29; Rogerson 1991: 56-57.

<sup>16</sup> Rogerson 1984: 34; 1991: 59-60.

<sup>17</sup> See chs. I.5, II.3 and 4.

- 18 Rogerson 1984: 47-48.
- 19 Rogerson 1991: 114.
- 20 *Ibid.*, 177.
- 21 *Ibid.*, 223-224.
- 22 *EJ* 16: 79-80.
- 23 *EJ* 14: 111-112.
- 24 *EJ* 7: 880; Houtman 1980: 72.
- 25 *EJ* 6: 47-48.
- 26 Hahn 1970(1954): 9.
- 27 *EJ* 10: 1284-1285.
- 28 Biographical data can be found in Smend 1983: 1-20.
- 29 Hahn 1959: 299-308 rejects the claim that Wellhausen was a Hegelian. But see Blenkinsopp 1984: 9-11 for a different conclusion. See on Hegel's assessment of Judaism further, Rotenstreich 1963: 48-74. It becomes clear from this (pp. 65-66) that Hegel's tripartite system of the development of religions is not identical with that of Wellhausen; the main difference being the gradual progression from stages one to three in Hegel which are defined as the Religion of Nature, Religion of Spiritual Individuality, and Absolute Religion, respectively. Judaism belongs to stage two, Christianity alone constitutes stage three in Hegel's system, whereby it should be pointed out that this it concerns specifically Hegel's interpretation of Christianity. The Wellhausenians, on the other hand, propagated, it is true, a similarly tripartite system in which religion evolved from polytheism (the early religion of Israel was not considered to be monotheist) to henotheism to monotheism. The prophets were the late creators of pure monotheism, of which Christianity was the ultimate and rightful heir. But in order to include Judaism in this picture, the system must become a semi four-tier one, adding decline to an otherwise upward evolutionary motion. Or, stage three is split in two: one progressing (Christianity), the other declining (Judaism). Either way, the Hegelian model is abandoned.
- 30 *EJ* 16: 443-444.

### III. 2. *Abraham Kuenen*

As was already shown by Solomon Schechter (section II.3), Abraham Kuenen does not necessarily fit the equation of 'biblical critical scholar equals anti-Semite'. Interestingly, this is also demonstrated in a personal communication of Kuenen to Hoffmann. In a recent article Dr. Joseph Munk sheds light on this issue.<sup>1</sup>

In 1893, Hoffmann published a book entitled *The Shulchan Arukh and the Rabbis Concerning the Conduct of Jews towards Adherents of other Creeds*. This was an enlarged and revised edition of a series of twenty articles that had appeared in the *Jüdische Presse* in 1883. The cause of the articles was found in the circulation of an anti-Semitic publication which dealt with Jewish conduct toward Christians based on '100 newly discovered laws'. This publication resulted in two court cases in each of which a Christian professor acted as expert witness. This occasion prompted Hoffmann to write his articles and rise to the defence of Rabbinic Judaism. The book, based on these articles, was eventually published in two editions. In the introduction to the first edition, Hoffmann states:

These articles are not written for honest good Christians, for they do not need them; neither are they written for the professional Jewbaiters, for no effort will affect them. They are intended, however, in the first instance, for the large number of Jews, who, when reading the slanderous pamphlets and observing the cited Jewish authorities, might conclude that there are some grounds for these assertions and thus lose their respect for Jewish religious literature. They are also intended for Christian theologians and orientalists who are capable of examining and checking the sources I have quoted, discovering their accuracy and forming a judgement upon Jewish religious writings.

It appears that "many Christians and theologians had read Hoffmann's book and actually consulted it whenever a judgment concerning Jewish religious sources had to be made. Many of these readers had acknowledged their indebtedness to Dr. Hoffmann in personal letters including one from Professor A. Kuenen who said '...your publication will, I hope, while not converting the leading antisemites, yet open the eyes of many of their followers.'"

Kuenen's awareness of Hoffmann is hereby demonstrated. In the (incomplete) list of his correspondents, contained in the booklet published on the occasion of the centennial of his death, however,<sup>2</sup> in which Wellhausen figures prominently, Hoffmann does not appear. Further research may be indicated.

The above should not be misconstrued to mean that Kuenen would have been sympathetic to Rabbinic Judaism as such. Completely befitting the mood of his time "he is very positive about the religion of the classical prophets of the eighth and seventh century B.C., whereas he expresses a very negative judgment on the introduction of the Priestly laws by

Ezra, by arguing that it marks the beginning of (a legalistic) 'Judaism.'" This statement is found in his *The History of Israel to the Fall of the Jewish State* (*De Godsdienst van Israel tot den Ondergang van den Joodschen Staat* - Haarlem, 1869-1870) which is the first modern study of the history of Israelite religion.<sup>3</sup> Simon de Vries shows that where elsewhere in the same work Kuenen adopts the eighth century BCE as the starting point for the development of ethical monotheism, he argues that

before this period the Hebrews were at best henotheists, and at worst half-polytheists and idolaters. Thus Amos and Hosea were the very first to preach a righteous, holy, and omnipotent God. The patriarchal religion, accordingly, must have been extremely primitive, and the Genesis narratives are entirely legendary and fanciful. Moses was no monotheist: he did not prohibit polytheism, being satisfied in getting the Hebrews to acknowledge [*Tetragrammaton*], an ancient light or sun god, as their chief deity.

De Vries further writes that this theory was supported by the notion of the lateness of the priestly material. This material cannot possibly be associated with Moses as it reflects one of the highest levels of Israel's religious development. All the laws and customs contained or enjoined in it are therefore to be associated with Ezekiel and Ezra.<sup>4</sup>

Kuenen was a staunch advocate of Graf's innovative thought which dates P to the post-exilic period, the extreme interpretation of the Documentary Hypothesis, including its repercussions for the chronology of Israelite history. It has in fact been suggested that this hypothesis should have been called the Kuenen-Graf-Wellhausen hypothesis and that Kuenen's share in its development has not been sufficiently recognized.<sup>5</sup>

---

<sup>1</sup> Munk 1994.

<sup>2</sup> *Kleine Publikaties van de Leidse Universiteitsbibliotheek*, nr. 11, 1991.

<sup>3</sup> Van der Kooij, 1993: 50.

<sup>4</sup> De Vries 1963: 46.

<sup>5</sup> *EJ* 10:1284-85; De Vries 1993: 129. Cf. also, Loader 1984.

### III. 3. Julius Wellhausen

Building on the theories developed by Graf and Kuenen, Wellhausen attempted to prove the post-exilic origin of the Priestly Code, that the Prophets preceded P, and that P was even later than D. Furthermore, in Wellhausen's system it seems to be important that whatever is good and humane cannot be found in the Priestly Code, which is, after all, the immediate precursor of Rabbinic Judaism, and that it is only dry legalism devoid of any compassion and social sense. In order to actually accomplish this major operation, a great deal of surgery was to be done on the text and reinterpretation of its contents. This thought is part of the answer to the question that had been burning in Wellhausen's mind and which he sought to answer, namely: "the place in history of the 'law of Moses,' more precisely, the question to be considered is whether that law is the starting-point of the history of ancient Israel, or not rather for that of Judaism, i.e., the religious communion which survived the destruction of the nation by the Assyrians and Chaldeans." These are nothing less but the opening words of his *Prolegomena*. The result of this postulate would be the understanding that as the Law received its present form only following the Exile, the pre-exilic period and literature, which was necessarily unaware of it, must be understood without it. <sup>1</sup> This brief summary of the aim and method of Wellhausen's work can be countered by the equally brief statement which basically sums up the concerns of Hoffmann, who says:

It must also be pointed out that even the *Kultus* law is occasionally employed in a humanitarian way (Lev. 25:1-7), as in Deuteronomy. If Deuteronomy contains the greatest and most important commandment, it must not be forgotten that to the priestly Holiness Law belongs the other, that everyone is equal: "You shall love your neighbor as yourself" (19:18)" - We add to this that this commandment also extends to the foreigner (19:34) - What remains then of the alleged priestly caste spirit in the Priestly Code? - Naturally, therefore, this corpus has to be separated from P. *In order to be able to describe a flourishing tree, full of fruit, as dry wood, one imagines first all fruit picked, all leaves shaken off, all life juices squeezed out, and then one screams: 'Look at this dry tree trunk.'* <sup>2</sup>

In his *Instanzen*, Hoffmann does not intend to refute all of Wellhausen's views as contained in his *Prolegomena*. In the first part of *Instanzen*, he briefly introduces the phenomenon of biblical criticism and turns almost straight to what he sees is the main problem in the theory with the direst consequences for the integrity of the Hebrew Bible, the date of the Priestly Source. While concentrating on that issue, he covers much of the *Prolegomena* and also considers Wellhausen's earlier contemporary, Abraham Kuenen. In the second part, he examines rather systematically that which he perceives to be the core issues in Wellhausen's thinking. Hoffmann does this by surveying the first part of the *Prolegomena* (the History of Worship) in depth, whereby he also retains the order of its

individual chapters as well as their names (i.e., The Place of Worship, Sacrifices, The Sacred Feasts, the Priests and the Levites, the Endowment of the Clergy). The disadvantage of this double approach, which may be due to the fact that Hoffmann dealt with a number of these issues in earlier publications, is that certain subchapters overlap and become somewhat repetitious at times. This is especially clear in his treatment of the place of and relationship between the priests and the Levites.

The central position in Wellhausen's reasoning of these five chapters is also suggested by Moshe Weinfeld<sup>3</sup> in his contribution on the occasion of the centenary of the *Prolegomena*, whereby he substantiates Hoffmann's particular interest in these five chapters. In his review of Wellhausen's work, which is a useful outline of the main issues in Wellhausen's hypothesis in conjunction with a critique from a secular point of view, he centers on the same five chapters, when summarizing Yehezkel Kaufmann's critique of Wellhausen.<sup>4</sup> The importance of these chapters is furthermore illustrated by John Hayes, who explains them as Wellhausen's substantiation for his proposed order of the pentateuchal documents: JE, D and P. Therefore the Priestly Document, being post-Deuteronomic, formed the basis of life in post-exilic Judaism, and not pre-exilic Israel.<sup>5</sup>

One should, however, avoid oversimplification. While Wellhausen was convinced of the extreme lateness of the Priestly Document, this referred only to its literary form, which had its own agenda and was fixed in the post-exilic period. The Jerusalem cult, which forms the basis of the Priestly Document, he considered to be very ancient.<sup>6</sup>

The first part of the *Prolegomena* is devoted entirely to an examination of the religious practices and institutions through which Wellhausen hoped to gain an understanding of the history of the literature and the people. In early Israel "worship arose out of the midst of ordinary life" (*Proleg.*, 76) and this "uncommon freshness and naturalness" (*ibid.*, p. 412) of the people made its way from religion into the early literature. However, Deuteronomy in its drive to centralize the cult in Jerusalem, destroys this idyllic picture and creates a shift in the religious practices away from "their natural setting in the people's hometowns," which "in turn led to the spiritualization, routinization, and abstraction of worship in the postexilic period at the hand of the Priestly group." (*ibid.*, p. 77-82) The three major literary sources (JE, D, and P) reflect these three styles of worship.<sup>7</sup> Phrased differently, in Wellhausen's scheme of the history of Israelite religion, "this history moved from a religious orientation toward nature, to one toward history, and finally to one toward law."<sup>8</sup>

Wellhausen's opinion of this final stage, is made clear when he describes the characteristics of the Priestly Document (the law) in these telling words:

"The boldness with which numbers and names are stated, and the preciseness of the details about indifferent matters of furniture, do not prove them to be reliable: they are

not drawn from contemporary records, but are the fruit solely of late Jewish fancy, a fancy which, it is well known, does not design not sketch, but counts and constructs, and produces nothing more than barren plans" (*Prol.*, p. 348)

"By its taste for barren names and numbers and technical descriptions, the Priestly Code comes to stand on the same line with the Chronicles and the other literature of Judaism which labours at an artificial revival of the old tradition. Of a piece with this tendency is an indescribable pedantry, belonging to the very being of the author of the Priestly Code. He has a very passion for classifying and drawing plans. He selects a longdrawn expression wherever he can: he does not weary of repeating for the hundredth time what is a matter of course (Num. viii). What is interesting is passed over, what is of no importance is described with minuteness, his exhaustive clearness is such as with its numerous details to confuse our apprehension of what is of itself perfectly clear." (*Prol.*, p. 350-51)

Furthermore, the perceived "great poverty of language," its style and vocabulary (*Prol.*, p. 332, 386) are for Wellhausen other indicators of the PC's post-exilic provenance and its relationship to other post-exilic works, such as "late elements inserted into the Deuteronomistic History, Ezekiel, the postexilic prophets, Psalms, Qohelet, and Chronicles." <sup>9</sup>

When examining the chronological order of the various writings, Wellhausen worked from the premise that later writers would have known of that of earlier writers, i.e., the Priestly writer was aware of D and JE had been available to both of them. Wellhausen recounts (*Prol.*, p. 3) a personal memory when he tells of the great love and admiration he had for the stories of Saul and David, Ahab and Elijah, and in general for the prophetic and historical books of the Old Testament. He felt he understood them reasonably,

"but at the same time was troubled with a bad conscience, as if I were beginning with the roof instead of the foundation; for I had no thorough acquaintance with the Law, of which I was accustomed to be told that it was the basis and postulate of the whole literature. At last I took the courage," and read through the entire Pentateuch. "But it was in vain that I looked for the light which was to be shed from this source on the historical and prophetic books. On the contrary, my enjoyment of the latter was marred by the Law; it did not bring them any nearer me, but intruded itself uneasily, like a ghost that makes a noise indeed, but is not visible and really effects nothing. Even where there were points of contact between it and them, differences also made themselves felt, and I found it impossible to give a candid decision in favour of the priority of the Law. Dimly I began to perceive that throughout there was between them all the difference that separates two wholly distinct worlds."

The result of this insight was, especially after hearing that K.H. Graf, based on the findings of earlier scholars, placed the Law after the Prophets, that Wellhausen would henceforth work from the premise "of understanding Hebrew antiquity without the book of the Torah" (*Prol.*, p. 4). This forms the basis of the rewriting of Israel's ancient literature and history. Knight <sup>10</sup> summarizes this and presents the following outline. The unity of Israel is not presupposed in the older "genuine tradition" of Judges, but only in the later Deuteronomistic redaction (*Prol.*, p. 234). Deuteronomy, in calling for reform rather than restoration,

obviously could not have known the exile (*Prol.*, 404). But in the Deuteronomistic redaction of Samuel and Kings the fall of Jerusalem is presupposed (*Prol.*, 277-80). Deuteronomy introduces the centralization of the cult, whereas the later Priestly Document could presuppose it as a given reality (*Prol.*, 35).

The second part of the *Prolegomena* is devoted to Wellhausen's treatment of the "History of Tradition," in which he discusses Chronicles, Judges, Samuel, Kings, and the narrative of the Hexateuch. Wellhausen dates the composition of Chronicles, Ezra and Nehemiah to the early Hellenistic period. The history of the cultus found in these books, bear, in Wellhausen's opinion, a great resemblance to that found in the Priestly Document. Hayes <sup>11</sup> further explains Wellhausen's need to demonstrate the unreliability of the historical portrait presented "in Chronicles as a prerequisite for dating the priestly legislation in the post-Deuteronomic period." Wellhausen followed here the model that had been formulated in 1806 by De Wette. <sup>12</sup> To this he adds: "The alterations and additions of Chronicles are all traceable to the same fountainhead - the Judaizing of the past, in which otherwise the people of that day would have been unable to recognise their ideal." (*Prol.*, 223)

In his treatment of the narrative of the Hexateuch, Wellhausen focuses on the primitive world history, the account of the patriarchs and the Mosaic history as contained "in the two strata of the Hexateuch and seeks to demonstrate their parallel structure and the priority of" J to P. With regard to the patriarchs, Wellhausen concludes among other things, that the patriarchs are primarily ideal prototypes of the true Israelite - peace-loving shepherds; the patriarchal stories do not provide us with the history of individuals but at best are representative of ethnological groups. And most importantly, for this is a recurring principle in the rewritten history in relation to the other texts as well, the patriarchal traditions are more informative of the age in which they developed than of the age they purport to describe. <sup>13</sup>

The third section of the *Prolegomena*, "Israel and Judaism," consists of three chapters: "Conclusion of the Criticism of the Law," "The Oral and Written Torah," and "The Theocracy as Idea and as Institution." In the second chapter, Wellhausen reached a number of startling conclusions. While he considered the "Law of Moses" to be the starting point for the history of Judaism, he provided his ideal of ancient Israel with an Oral Torah (not quite the same as the Oral Torah of Rabbinic tradition, to be sure!), i.e., "God-given bases for the ordering of human life; only they were not fixed in writing;" (*Prol.*, 393) unintentionally giving a curious twist to the midrashic notion that the Patriarchs observed the commandments even before the Torah had been given. <sup>14</sup> Wellhausen states "that the requirements of the Deity are known and of force, not to the Israelites only, but to all the world; and accordingly they are not to be identified with any positive commands. The



patriarchs observed them long before Moses." And quoting Gen. 18:19, he adds that God is confident that Abraham will command his children to keep God's way, to do justice and judgment. Wellhausen refers to this oral tradition "as a special Torah of J , which not only sets up laws of action of universal validity, but shows man the way in special cases of difficulty, where he is at a loss. This Torah is one of the special gifts with which Israel is endowed... and it is entrusted to the priests, whose influence, during the period of the Hebrew kings... rested much more on this possession than on the privilege of sacrifice." (*Prol.*, 394) Wellhausen continues his rewriting with the lament that the appearance of the law was "the end to the old freedom, the creation of an objective authority, and the death of prophecy. Deuteronomy was primarily a program of reform" taking for granted the existence of the cultus, only correcting it in certain general respects. "The later codes - Ezekiel, Holiness, and Priestly - were attempts at restoration. The Priestly Code had been the product of a circle of priests, during the exile, who set out to command to writing that which they remembered of the practices of past times and which would otherwise be lost (*Prol.*, 404). It was Ezra, finally, "who in 444 BCE introduced and published 'the Pentateuch in its final form as the authoritative law and norm of life in written form.'" "What distinguishes Judaism from ancient Israel is the *written Torah*. The water which in old times rose from a spring, the Epigoni stored up in cisterns." <sup>15</sup> In his final assessment, then, Wellhausen proclaims:

"...in the Mosaic theocracy the cultus became a pedagogic instrument of discipline. It is estranged from the heart; its revival was due to old custom, it would never have blossomed again of itself. It no longer has its roots in childlike impulse, it is a dead work, in spite of all the importance attached to it, nay, just because of the anxious conscientiousness with which it was gone about. At the restoration of Judaism the old usages were patched together in a new system, which, however, only served as the form to preserve something that was nobler in its nature, but could not have been saved otherwise than in a narrow shell that stoutly resisted all foreign influences. That heathenism in Israel against which the prophets vainly protested was inwardly overcome by the law on its own ground; and the cultus, after nature had been killed in it, became the shield of supernaturalistic monotheism." (*Prol.*, p. 425)

Wellhausen's unifying principle with regard to the relationship between the biblical text and Israelite history was that the sources he thought to have identified only reflect the time when they were purportedly written down. In other words, none of the texts actually relate anything, for instance, about the period of the patriarchs or the Exodus, but at best shed some light on the period of the monarchy or on post-exilic times. As discussed above, the deeper the rift became between the text itself and its perceived holiness, and therefore its authority and infallibility, the more acceptable became its criticism. And the more it was seen apart from an actual Israelite history the vaguer the latter became. In fact, in our very

own time this principle has been carried to the extreme demonstrated by the development of two trends that each leave the documentary hypothesis of Graf and Wellhausen altogether. On the one hand a historiographical school has emerged that actually sees as its goal the writing of a history of Israel *without* recognizing the Hebrew Bible as even a minor source of any historical value. This is based on the idea that "[t]he Old Testament is not historicized fiction but fictionalized history."<sup>16</sup> On the other hand we see the emergence of the literary-critical school, which approaches the Hebrew Bible, it is true, as the end product of an evolution, but does not see that evolution as its focus. It is rather the end product, the literary corpus and the unified narratives, itself which is studied in its own right applying the techniques of, e.g., the structuralist school and those of deconstruction. No longer are these literary critics searching for the intended meaning of the original author(s) or for a historical context. According to the most radical interpretation, the text rather speaks for itself again and again and does not convey one specific meaning at all. In the end we are faced with a heritage of the 19th century critical efforts that have pried the two once thoroughly connected poles of Hebrew Bible and Israelite history completely loose.<sup>17</sup> This is, of course, far from saying that today we would see no other approach to the text, be it traditional, critical or otherwise.

---

<sup>1</sup> Knight 1983: 26.

<sup>2</sup> Hoffmann, *Instanzen*, 18; italics mine.

<sup>3</sup> Weinfeld 1979.

<sup>4</sup> See further IV. Conclusion, below. Also notes 11a, 74a, 74b, 148, 149, 188, 233a in the translation of *Instanzen* on the position of especially Israeli contemporary scholarship on these issues. The studies cited there devote much attention as well to Yehezkel Kaufmann's position in relation to that of Wellhausen.

<sup>5</sup> Hayes 1983: 43.

<sup>6</sup> Smend 1983: 15. Cf also above, p. 67, with regard to Wellhausen's theory of "Oral Torah."

<sup>7</sup> Knight 1983a: 26.

<sup>8</sup> Miller 1983: 61.

<sup>9</sup> Knight 1983a: 31.

<sup>10</sup> *Ibid.*, 27.

<sup>11</sup> Hayes 1983: 44.

<sup>12</sup> Cf. pp. 66-68 above.

<sup>13</sup> Hayes 1983: 48; Miller 1983: 61; and see *Prol.*, 318-19.

<sup>14</sup> Cf. BT Yoma 28b; Gen. 26:5. In an important study Yoram Erder 1994 explains the question concerning the antiquity of the commandments as viewed in the Pseudepigrapha, Qumran, Karaism, Rabbanism, Islam, and how this notion functioned in the Muslim-Jewish polemics of the Middle Ages.

<sup>15</sup> Hayes 1983: 51; *Prol.*, 410.

<sup>16</sup> This current descent into absurdity and nihilism is described by W. Dever 1995. The quote is from Th. Thompson 1992: 9. See especially the insightful analysis by Rendtorff 1993, of the concerns expressed here and in the next footnote.

<sup>17</sup> See e.g. Barton 1984, *passim*; Kugel 1981; Greenstein 1989.

### III. 4. *Wellhausen and the German View on History*

In an informative article on the development of the German historiographic tradition as the background against which 19th century biblical scholarship arose, Robert A. Oden<sup>1</sup> discusses, among others, Julius Wellhausen (1844-1919). This tradition had reached maturity in the late 19th century. Prominent among its founders were especially Leopold von Ranke (1795-1886) and before him Wilhelm von Humboldt (1767-1835). Oden provides a tripartite outline of the main concerns of this tradition:

- 1) Matters pertaining to human affairs, because only they change in a non-repetitive fashion, can only be understood by means of historical inquiry. The methods to be used in the human science of history should be very different from those used in the natural sciences. The latter can safely and profitably use abstractions; this is not so with regard to history.
- 2) Conspicuous is the tendency to make use, almost automatically, of organic analogies. At the basis of this there is the belief that entire societies, distinct eras within these societies, nations, have clearly determinable "lives" and "deaths"; they are like persons. Just as one refers to the birth, growth, maturity, and old-age of a person, one can speak in the same terms of a nation.
- 3) Humboldt, von Ranke, and many others argued that, in order to understand any human phenomenon historically, it was essential to investigate first and foremost the origin and development of that phenomenon.

These three concerns in the German historiographic tradition are closely interrelated; but this is especially so with regard to the second and third concern. After all, concentrating upon origins and developments is easiest when the subject of investigation can be somehow defined as being an organic entity.

The above outline shows that the German historiographic tradition is not uniformly empirical, despite protestations of its adherents that they were. Of course an empirical element can be recognized, but otherwise "there is also a fair amount of real metaphysical idealism," as Oden phrases it. This is illustrated by J.G. Droysen, von Ranke and others: "that the 'life' of a nation can reveal the larger designs of divine purpose or providence."

It seems, then, that this tradition is primarily responsible for providing Wellhausen and his contemporaries with the foundation for their research into the history of Israel's religion. That this close relationship indeed exists is shown by the *Prolegomena zur Geschichte Israels* (1883), in which all three laws of the historiographic tradition are applied.

The first law is in a way demonstrated "by the very length and comprehensiveness of the volume, which documents a fairly simple thesis with massive evidence." Yet, at the same time this empirical demonstration is "founded upon a basic, idealistic abstraction". Wellhausen's implementation of the first law can also be seen internally in his work in the way he classifies and rates the materials in the Hebrew Bible. Materials he considers to be early, such

as the Books of Samuel, receive his praise as they "are concrete and fully human." Later materials are condemned for being too abstract. As the historiographical tradition asserted that authentic history must be based more in the concrete data of life than upon the eternal laws operational in the natural sciences, so Wellhausen approves of Israel's religion when it seems similarly based in life and disapproves when it is divorced from everyday activity.

Oden provides a number of examples with regard to Wellhausen's application of the *second law*, concerning the organic analogy, the last of which is sufficiently illustrative. This is the use of adjectives with which Wellhausen labels materials he thinks to have proven early or late. "Early materials are therefore: fresh, clear, spontaneous, vivid, heroic, generous, authentic, or confident. Late material is: static, abstract, narrow, perverse, anxious. Both sets of adjectives are drawn from the basic organic analogy."

In one sentence at the end of Wellhausen's introduction to his *Prolegomena* (p. 12), we can observe his use of the *third law*, on origin and development. Here he discusses issues of method. Concerning the problem of dating his three sources (J, D, and PC), Wellhausen says that it is necessary to test his chronological scheme against "an independent standard, namely the inner development of the history of Israel" (Wellhausen goes on to say, however, "so far as that is known to us by trustworthy testimonies, from independent sources".) And this is exactly what the German historiographical tradition most keenly recommended. Till here Oden's insights.

In a speech he delivered in 1903,<sup>2</sup> Solomon Schechter, the great scholar of the Cairo Genizah documents, recalls the anti-Semitism during his childhood in his native Rumania, and thereupon the more 'civilized' sort of non-physical anti-Semitism, the 'higher anti-Semitism' as he calls it, in the West, where he moved upon his emigration. He makes the observation that "the genesis of this Higher anti-Semitism is partly, though not entirely - for a man like Kuenen belongs to an entirely different class - contemporaneous with the genesis of the so-called Higher criticism of the Bible. Wellhausen's 'Prolegomena' and 'History' are teeming with *aperçus* full of venom against Judaism." In an emotional tone he continues,

...the Bible is our sole *raison d'être*, and it is just this which the Higher anti-Semitism is seeking to destroy, denying all our claims for the past, and leaving us without hope for the future...Forget not that we live in an historical age in which everybody must show his credentials from the past. The Bible is our patent of nobility granted to us by the Almighty God, and if we disown the Bible, leaving it to the tender mercies of a Wellhausen, Stade and Duhm, and other beautiful souls working away at diminishing the 'nimbus of the Chosen People,' the world will disown us...But this intellectual persecution can only be fought by intellectual weapons and unless we make an effort to recover our Bible and to think out our theology for ourselves, we are irrevocably lost from both worlds.

If Oden illustrates that Wellhausen can be seen as responding to the currents of his time, rather than demonstrating anti-Semitism *per se*, as Schechter claims, Hoffmann's reaction is equally a response prompted by the currents of his Orthodox Jewish reality which at that time had ceased to absorb openly the concerns and issues of the surrounding culture for already at least a number of centuries<sup>3</sup> and, therefore, had become quite introspective in nature. This would indicate that the two realities had drifted apart so dramatically that it could no longer be bridged. In this sense, an emotional reaction to the critical school, as that of Solomon Schechter, calling it "higher anti-Semitism," could very well apply to the climaxing of the movement and abuse of scholarship,<sup>4</sup> as well as the fact that apparently it had to take an Auschwitz to awaken those involved to the reality of a different direction for the scientific approach (which, by the way, would also benefit Jewish biblical scholarship).

---

<sup>1</sup> Oden 1987.

<sup>2</sup> "Higher Criticism-Higher Antisemitism," 1915.

<sup>3</sup> Although Breuer 1986: 161, lists a number of important exceptions.

<sup>4</sup> That this is what happened indeed, is shown by Tal 1975: 279-289.

### III. 5. *Wellhausen and Anti-Judaism*

Below we will briefly deal with the problem that Wellhausen, his predecessors and successors, were not solely motivated by applying the new historical and scientific insights to their work (the aspect presented by Oden), but that, sadly, that old ugly thing called anti-Semitism reared its head, as suggested by both Schechter and Breuer;<sup>1</sup> or perhaps it is more scientific in the context to use the term anti-Judaism, as a motivator in their work.

Levenson<sup>2</sup> aptly describes the problem Protestant Christianity has with Judaism. Citing James Kugel, he explains how Protestant concerns have colored the interpretation of biblical history and the treatment of the 'Old Testament.' "The relative lack of interest in the cult and the postexilic books bespeaks the classical Protestant preference for prophet over priest, for the word over the sacrament, and for the spirit over institutional structures, especially those that suggest the putative degeneration of Israelite religion into Judaism, that is, the religion that Jesus is believed to have sought either to cleanse or to overthrow." With regard to their linguistic knowledge, Kugel and Levenson observe the almost allergic reaction of these scholars to Mishnaic Hebrew or Aramaic, despite its relevance for their studies.<sup>3</sup> This phenomenon appears in yet another way, namely in the very epithets applied to this field of study: i.e., "biblical" studies. This implies that a dividing line is assumed between the last books of the Bible and the following period, such as Qumran, Diaspora, and pre-mishnaic Judaism. Another poignant example is "the tendency to speak of 'Israelite religion' until the exile but 'Judaism' afterward." For these Christian scholars "biblical and rabbinic Judaism cannot even be put on a continuum," as the two periods became separated from each other in the time of Jesus. It is, therefore, "revealing to see how many studies entitled *History of Israel* end not with the last book of the Hebrew Bible, but two or three centuries later, in the time of the early church. A particularly curious and chilling example is Martin Noth's *History of Israel*, which ends after the defeat of the Bar Kokhba rebellion in 135 CE. Noth's closing sentence reads: "Thus ended the ghastly epilogue of Israel's history." The reason for Noth to "terminate the history of Israel in 135 CE - though clothed in the garb of historical analysis - was actually motivated by theology: Jewry forfeited its status as Israel" around the time that the last New Testament documents were written, which is a view very much reflective of "the long history of Christian supersessionist thinking."<sup>4</sup> The notion was that after the emergence of Christianity, it was not just that Judaism had no longer a reason for existence, in fact, it had no longer the right to exist. The only people who were, of course, blissfully ignorant of this truth, were the Jews themselves.

Amy Newman<sup>5</sup> deals extensively with the way religious, in contrast to social, or 'scientific,' anti-Semitism had permeated German Protestant thought from the Middle Ages

straight into the early 19th century. Its central myth in which Judaism is considered "a dead religion" finds its origin, apart from the early Christian prooftexts, in the views of the German Reformation where it received its ultimate refinement. The theoretical reflections resulting from this myth were nasty enough in themselves, finding a voice in numerous books and pamphlets. Even more vicious was the concomitant phenomenon that these same scholars and theologians, who were exceedingly perturbed by the persistent physical Jewish presence in their midst, began to confront this problem by means of this myth. In other words, the conclusion of "Judaism is dead" should now be applied to Jews who persisted in their Judaism. The conclusion had not yet derailed to the effect that it would have implications for the physical existence of Jews. That would come later. For now - Enlightenment times - it was sufficient to emancipate the Jews away from their pernicious Judaism, and to assimilate, or preferably, according to some, to convert and merge them into the surrounding Christian culture. One of the more famous personalities thus perturbed, listed by Newman, is the philosopher Immanuel Kant (1724-1804).<sup>6</sup> In arguing against the continued existence of Judaism, he denied that Christianity would have been built upon Judaism. He claimed instead that early Christianity "arose suddenly...completely forsaking the Judaism from which it sprang." He even claimed that the survival of the Hebrew Bible is due thanks to the careful preservation efforts of Christians, not Jews. His attitude in favor of emancipation can be illustrated by his contention

...that the dream of 'a conversion of all Jews' must be abandoned in favor of a new vision: the awakening of 'purified religious concepts' among the Jews, which will inspire them to 'throw off the garb of the ancient cult, which now serves no purpose.' The Jews 'have long had *garments without a man* in them,' Kant maintains, voicing an assumption shared by many 'enlightened' scholars, Christian and Jewish alike. Kant concludes that it is now time for the Jews to allow themselves to be led to their 'final end.' It is in this context that he makes his notorious assertion that the 'euthanasia of Judaism is pure moral religion, freed from all the ancient statutory teachings'. The remains of Judaism, according to Kant, 'must disappear' so that there will be 'only one shepherd and one flock.'<sup>7</sup>

However, Kant's extreme position remained purely theoretical, fitting into his wider philosophy of religion, and did not prevent him from socializing with his Jewish intellectual contemporaries. As a matter of fact, Kant became immensely popular among the Jewish intellectuals of the post-Enlightenment period.

The debate on emancipation soon took a different turn. Had it first dealt with the issue that emancipation would offer the "most humane solution" to the Jewish problem, now it wondered "whether Jews were truly capable of assimilation, i.e., whether 'Jewishness' was learned or innate." Newman cites David Sorkin who states clearly: "the degeneracy of Jewish character was assumed by both those who favored and those who opposed emancipation." But if, as some argued, the Jewish character was innate and thus not open to remediation,

"more drastic measures might be required. By the end of the 18th century the question of the nature of Jewish character had become paramount." <sup>8</sup> After describing Schleiermacher's and Hegel's thoughts, in which the above finds further transmutation, Newman concludes: "Thus, as Protestant beliefs and values were progressively translated from dogmatic articles of faith into a revolutionary social agenda during this period, the locale of the death of Judaism was progressively transferred from the metaphysical to the social-historical arena." <sup>9</sup>

In a pertinent study, <sup>10</sup> Sorkin evaluates briefly but clearly, the interplay of the various considerations and sensitivities of the social/religious groups involved with each other and the *Zeitgeist* of *Aufklärung*, or the German interpretation of Enlightenment, describing the initial good intentions, the subsequent deterioration of ideals and what this implied for the Jews in the German lands. He clarifies the various trends as they revealed themselves within the religious division of the Enlightenment "movement" and shows how, at first, theological ideas realized themselves in novel social possibilities and how they subsequently degenerated into the political fears and realities that have been described in this chapter. A further concern raised is the nature of the *Haskalah*, the Jewish branch of the Enlightenment, which started out, Sorkin maintains, as a movement of innovation *within* and not *against* traditional Judaism, but, because of the politicization of the whole Enlightenment idea, became a force working for the realization of emancipation which, in the eyes of Orthodox Judaism, could only mean assimilation.

Returning now to Wellhausen, it is important to note what Lou Silberman signals as "the heart of the matter" of Wellhausen's portrayal of Judaism. This was clearly "motivated by interests that had little or nothing to do with what happened in Judaea restored in the sixth or fifth centuries BCE. The real Judaizers were not of the past: they were alive and flourishing in the nineteenth century. They were those who had failed to recognize 'prophetic revelation in which the Lord, ignoring all institutional mediation, makes himself known to individuals' (*Prol.* 1878: 414)." <sup>11</sup> Silberman contends that Wellhausen lavished a serious dose of critique upon certain theologians and Bible scholars whose conservative interpretation of German Protestantism he would liken to the negative, over critical and destructive tendencies he perceived in the Priestly Code. Silberman again quotes from the 1878 edition of the *Prolegomena* (the 1885 edition from which other quotes are taken, having been purged of some of the more flowery expressions of its predecessor) to prove his point "In truth, Moses is the originator of the 'Mosaic constitution' in about the same sense that our Lord Jesus Christ is the founder of the ecclesiastical establishment in Lower Hesse" (*Prol.* 1878: 427). "Not for the first time nor the last was Judaism invented in one's image of one's theological opponents so that they could be tarred with the brush of 'Judaizers.' The Judaism that in the sixth and fifth centuries BCE invented the Law that sidled in was invented in the nineteenth century by German bib-



lical scholarship of which Wellhausen was the most influential spokesman." <sup>12</sup>

Above we attempted to determine the underlying factors and even origins of the phenomenon of various biblical criticisms. More in particular it became clear that, aside from a number of common denominators, 19th century, specifically German, biblical criticism is a category by itself, drawing from very different sources. Blenkinsopp is quite correct in arguing for a direct link between it and German post-Enlightenment Romanticism and Idealism. "It is the Romantic glorification of natural man living a spontaneous existence close to the soil and to the cycles of nature which lies beneath Wellhausen's admiration for both the religion of ancient Israel and the untrammelled individualism of the prophets." <sup>13</sup> The concomitant language is found all through the *Prolegomena*. The same trend may be observed in his immediate predecessors as well, such as De Wette. This statement should, however, be qualified. The anti-Judaism which derives from this ideology is still a long shot from its more unfortunate offshoot, namely political and racial anti-Semitism. This leap is made, e.g., by Paul de Lagarde, <sup>14</sup> for whose person Wellhausen, by the way, had the greatest contempt.

Some final words on Wellhausen's interpretation of Christianity are in place, insofar as they bear on his interpretation of Judaism. With regard to Christianity, Wellhausen views the historical Jesus (who was a Jew) as completely irrelevant. "As a basis for religion the historical Jesus is a poor substitute for the Christian faith. Jesus was a Jew." It is, in his opinion, the "risen Christ" who determines Christianity and makes it relevant. "Christianity originated with the faith in the resurrection of the crucified Messiah, as a sudden mutation of the practical monotheism of the Bible. The first period of Christian history was one of gradual emancipation from Judaism." As this "risen Christ" postdates, so to say, the historical (Jewish) Jesus, it is useless to want to go back to this historical Jesus in order to find the *raison d'être* of Christianity or anything useful in him for the Christian altogether. <sup>15</sup> Clearly, then, Christianity is subject to a very significant growth process (evolution) in which only the later stages (and perhaps Wellhausen's own insights as the latest) are functional. *Vis-à-vis* Judaism, on the other hand, Wellhausen denies any sort of growth process that might be at the basis of this religion and the religious and historical consciousness of its people. On the contrary, he detects a form of regression after the glorious period of the prophets. This, of course, was the Law. Before the Law there was an Israelite or Hebrew religion. Wellhausen never tires of pointing out this perceived distinction between Israelite religion and Judaism. Whatever was positive following the prophets would eventually, of course, culminate in Christianity (and again not that of Jesus, but of Christ!). Created by the Law, Judaism became, thus, an aberration.

---

- <sup>1</sup> Breuer 1986: 195. On the long history of the unbalanced relationship between Christianity and Judaism from ancient to modern times, see e.g., Manuel 1992: 293-306.
- <sup>2</sup> Levenson 1993; esp. ch. 4, "Theological Consensus or Historicist Evasion? Jews and Christians in Biblical Studies," 82-105. See also the very useful references.
- <sup>3</sup> Levenson 1993: 85.
- <sup>4</sup> Levenson 1993: 86, 87; Rendtorff 1983: 13-14, and see Westerholm 1991: 29-33.
- <sup>5</sup> Newman 1993.
- <sup>6</sup> Newman 1993: 459 ff. See on Kant's position as well, Rotenstreich 1963: 23-47. He explicates one of the central points in Kant's philosophy of religion, namely, that Judaism, in contrast to Christianity, would not be capable of rising to a higher stage and eventually evolving into a pure rational religion.
- <sup>7</sup> Newman 1993: 461.
- <sup>8</sup> Newman 1993: 462. The work cited is Sorkin's *The Transformation of German Jewry, 1780-1840*. New York: Oxford University Press, 1987; p. 23.
- <sup>9</sup> Newman 1993: 479.
- <sup>10</sup> Sorkin 1992: 3-16.
- <sup>11</sup> Silberman 1983: 78. Rendtorff 1983: 10-13, sketches the state of anti-Judaism in more recent German Bible scholarship, but he also deals with Wellhausen. It must be mentioned that when, in a final footnote to his Foreword to the 1994 reprint of the 1985 edition of the *Prolegomena*, Douglas Knight touches on the charges of anti-Semitism to Wellhausen's problematic treatment of Judaism, he totally ignores the contemporary Jewish reactions to his work. This neglect might be a statement in itself. A telling case of apologetic acrobatics is displayed by Rudolf Smend's "Wellhausen und das Judentum," 1982. It will carry too far to discuss all of his creative solutions and dubious statements in defense of Wellhausen, but some stand out and should be mentioned. The following, in fact, is almost identical in form to some of the scholarly toning down of Ibn Hazm's anti-Semitism in favor of his general intolerant character. (Cf. Adang 1996: 253-254; above ch. II, 1, note 40 for Ibn Hazm's general display of unpleasanties.) By juggling his arguments in an amazing way Smend criticizes those scholars who dare accuse Wellhausen of demonstrating anti-Semitism in his writings, calling them biased (p. 188), while at the same time conceding that he indeed did so; yet, in Smend's opinion that would not classify him as an anti-Semite. He supports this by suggesting that Wellhausen was in general a very opinionated individual, using rough language concerning anyone or anything he would not agree with - and admittedly, this was indeed the case with regard to some of his very hard-line anti-Semitic contemporaries, such as Paul de Lagarde (p. 203). On the other hand, there is no denying that especially in his personal correspondence Wellhausen displayed a number of very clearcut anti-Semitic thoughts; a fact stressed by Smend, who excuses Wellhausen, as these utterances were never intended for publication! He continues in defining anti-Semitic language as being generally "somewhat rigid and grim," something Wellhausen's work was free from. (p. 187); thus, he was no anti-Semite! However, while on the one hand he neglects to include the categories "sarcasm" and "cynicism," which are abundantly present in his work; on the other hand he underlines the use of the stereotypical anti-Semitic emphasis on perceived negative Jewish character traits in his correspondence. On the contrast between the pre- and post-exilic period he is clearly sympathetic, even passionate, towards the former, comparing it as 'the open air,' from which, after the Exile one would 'feel as having moved into a hothouse.' He perceived Judaism 'as a system...which can not easily be constructed from a basic idea, as it is a bizarre product of history.' Yet, in all this, Smend sees no reason to claim that Wellhausen would have a wholly negative view of Judaism (p. 195). Wellhausen's balanced and broad perspective should then perhaps become clear from his reproachful and non-comprehending remark that the Jews rejected the Gospel while they canonized the Book of Esther which serves as a testimony not about Judaism in general but about the official and ruling Judaism (p. 201). What emerges then, is a picture of a man who is obsessed with attaining a division between "Israelite" and "Jewish" history, with keeping a safe distance from things Jewish, who at best displays a love-hate fascination with the "Other," the one who is strange, different, and therefore elicits both attraction and revulsion and where, in the end the negative aspects win overwhelmingly. In his conclusions Smend manages to proclaim that "among the motives that determined his [Wellhausen's] historiography no specifically anti-Jewish predisposition emerges" (p. 214). This says probably more about Smend than it does about Wellhausen.
- <sup>12</sup> Silberman 1983: 79.
- <sup>13</sup> Blenkinsopp 1977: 19-21. On these German ideologies, see also Pulzer 1964 and the titles in the next note.
- <sup>14</sup> On De Lagarde and his invention of a new Germanic form of Christianity "free from Jewish contamination," see Anstett 1955; F. Stern 1963.
- <sup>15</sup> Dahl 1983: 89, 105-6. In "Wellhausen's Dictum 'Jesus was not a Christian, but a Jew' in Light of Present Scholarship," 1991: 83-110, Betz adds to this the fact that Wellhausen conceived of Jesus as the last Jew, as for him Judaism as a historical religion had factually ceased to exist with Jesus (p. 98). This line was followed in general and Martin Noth declares that Jesus did not belong to Jewish history anymore. With him, rather the history of Israel found its actual end (p. 109). In contrast, Betz also shows a different interpretation of Wellhausen, albeit one that was not further pursued; namely, Jesus "is the embodiment of genuine Judaism, a specimen of Jewish religion purer even than the prophets of old."

## IV. Conclusion

In the introduction I placed Hoffmann's work within the limited context of his contemporary German-Jewish environment, compared with the non-traditional Jewish views, and contrasted with the kind of biblical studies practiced by his Protestant targets. We should now ask how it may be defined within the broader field of biblical studies, categorizing it both historically (in which historical tradition would it fit as far as both contents and methodology are concerned) and ideologically.

In 1.4 it was demonstrated, by means of Solomon Schechter's insights, that *Wissenschaft* is not identical with Reform *per se*.<sup>1</sup> Following his argument, *Wissenschaft* started much earlier, namely with those traditional scholars who began to comment on texts in a critical fashion, to incorporate facts of history and linguistic insights into their analyses, and to collect and edit manuscripts. Among these great pioneering minds were for instance the Vilna Gaon and his son Abraham. This view is largely corroborated by Mordechai Breuer. Here, of course, the great medieval Spanish commentators and grammarians should be mentioned as well, for without the foundation they laid, Jewish Bible study might very well have taken a totally different turn. A number of present-day scholars have commented on the 'modernity' of their scholarship when grappling with the question of what constitutes 'modern Jewish biblical scholarship.'<sup>2</sup> Looked at from this point of view, David Zvi Hoffmann certainly would fit into this tradition, both with regard to his work in biblical as well as rabbinical scholarship. Witness, by the way, the name of the journal Hoffmann edited (*Magazin für die Wissenschaft des Judenthums*)!

Before turning to the conclusion and then the translation of *Instanzen* the following observations are in place. With regard to *Instanzen* Harris notes that Hoffmann is "content to try to refute the (Wellhausenian) hypothesis by displaying its many inconsistencies, and he sees little need to resolve the textual difficulties fueling the critical theories. That task he reserved for his Leviticus commentary," in which he makes extensive use of rabbinic sources, "which are conspicuously absent from *Instanzen*,"<sup>3</sup> even though at times Hoffmann does make an exception. As Harris further observes, its intended audience was to be found far beyond that of German Orthodoxy. This in itself may already provide the answer to Hoffmann's apparent neglect of rabbinic material. It may very simply be found in the lack of authority or even in the aversion to rabbinic texts in non-Orthodox (not to mention non-Jewish) circles; while his commentaries were rather produced for the Orthodox scholar and educated lay person and certainly not intended to function, as in a way *Instanzen* does, as an apologetic pamphlet. This is, of course, not to suggest that Hoffmann would ever have

produced exegetical work in the vein of Spinoza's, i.e. "Scripture explained from Scripture" (*Sola Scriptura*). As he himself explains in the introduction to his Leviticus commentary, a Jewish commentary may never be in conflict with the Halakhah:

Just as the Torah as a divine revelation must not contradict itself, in the same way it must not contradict the Oral Law which is of divine origin. Any interpretation of the Torah which opposes traditional interpretation or construes a passage in such a way as to contradict a traditional Halakhah, is to be rejected as an explanation that is not according to Halakhah and, therefore, an un-Jewish interpretation.<sup>4</sup>

This in itself should give a sufficiently clear indication of Hoffmann's position and intentions with regard to *Instanzen* and put it into perspective with regard to his other exegetical work. It seems to me, then, that in *Instanzen* he merely left out the actual references to rabbinic sources because of their lack of popularity. The actual conclusions reached by him, though, were thoroughly grounded in the conclusions reached by rabbinic exegesis in the same way as he presented them in his commentaries *with* the rabbinic references. The Hebrew translator of *Instanzen* filled in this lacuna to a certain extent in the footnotes he added to his translation as well as indicating the halakhic aspects of various issues raised by Hoffmann.

The problem with Hoffmann's position is easily identified. He sets out to refute the Bible critics with a preconceived conclusion in hand, namely his unshakeable belief that the Torah is divine in nature and was written down by Moses in its entirety. This is a certainty that is beyond any discussion. But logic dictates that this is not an issue that can be subject to debate, as it can neither be proved nor disproved. The work that remains to be done for Hoffmann, then, is to judge each and every argument raised by the critics and use all of his scientific (philological, historical) tools to assess their value and come up with a solution that is more faithful to the text as he perceives it. The first impression, therefore, seems to be that he only succeeds in proving himself a better philologist, historian, theologian, reader. Yet, in a broader perspective this neither invalidates the issues he raises nor the arguments he presents in refuting Wellhausen's position.

This may be illustrated by the fact that the very debate on the 'age of P' is still going on at the present time, and even though it seems that there is a more general agreement in favor of a pre-exilic date for P, which still would not prove it Mosaic, at times voices come to the fore propounding a late (i.e., post-exilic) date. Interestingly enough, the arguments that are presented in the discussion are certainly of a nature that Hoffmann would have felt very comfortable with in either agreeing with or in refuting, and indeed, at times he is even quoted by those who argue for an early date of P.<sup>5</sup>

These voices represent primarily the modern Israeli school of Bible scholarship, inaugurated by Yechezkel Kaufmann (1889-1963).<sup>6</sup> While in general they can be listed together with Hoffmann in that they tried to find a scholarly Jewish answer to and a rebuttal of Wellhausen's principal arguments, Hoffmann stands out in the sense that he alone worked from a religious premise. Consequently, the ways part early. They do not even share the same emphasis of criticism, the only point they do share being their joint antipathy against the Protestant anti-Jewish character of Wellhausen's school. What emerges is even a picture of opposites.

Whereas Hoffmann emphasizes, point by point, Wellhausen's faulty readings and interpretations, he does not touch upon the implications of Wellhausen's rewriting of Israel's and Jewish history, or on his sociology of religion. He rather insists, throughout, on the reliability and authenticity of the traditional view of Mosaic authorship, not leaving any room for compromise. The Kaufmann school, on the other hand, focuses primarily on Wellhausen's historical theories, in which the dating of P is a crucial point. Their concern is to rescue the integrity of Jewish history from the onslaught of the Protestant scholars. In order to be able to preserve the biblical and post-biblical chronology intact, P must be early.

For Kaufmann, who prefers to view these events in a historico-sociological manner, it is sufficient to find an origin for P within the earlier period of the monarchy. He does accept a system of four sources, P being just one source unconnected to the others, and the main conflict he has with Wellhausen, is therefore one of chronology. The other pillar in Wellhausen's system that he wishes to shatter is the basically tripartite evolutionary model of the development of monotheism from polytheism. In Kaufmann's opinion polytheism and monotheism are mutually exclusive, the former being pantheistic and mythological, the latter a-mythological, and there is no historical precedent for one developing from the other.<sup>7</sup> What is omitted in this approach, however, is the recognition of a connectedness of biblical Israel with the ancient Near East. But in this way Kaufmann is able to stress the unicity of the God of Israel. What we see in the Kaufmann-Wellhausen confrontation is therefore the exchange of one critical model for another.

Another scholar who operated on a similar level was Umberto (Moses David) Cassuto (1883-1951).<sup>8</sup> He too was opposed to the Wellhausenian presentation of biblical history but substituted his model with a critical system of his own. His objectives were similar to those of Kaufmann, but he used different categories, utilizing especially the data from Near Eastern histories, languages, and religions.

All this is indeed very far removed from David Zvi Hoffmann. Yet, he was the first to attempt an attack on this enemy, using methods that by themselves are recognized and appreciated by those who followed, even if not in his footsteps. It is worth noting that the

few times that Hoffmann's ideas are utilized in Kaufmann's *Toledot ha-Emunah ha-Yisraelit* (The History of the Faith of Israel), and likewise in the works of later scholars, it is with respect and on equal footing. Only one time - as far as I could establish without conducting a thorough search - Kaufmann qualifies Hoffmann's objective more specifically as "conservative and harmonizing."<sup>9</sup>

The entries in the various Jewish encyclopedias all praise Hoffmann for his pioneering work in the critique of biblical criticism, which is reflected in his articles and also permeated his commentaries (on Genesis, Leviticus, and Deuteronomy).<sup>10</sup> Despite all his efforts, however, his approach did not gain any ground and was stifled more or less by contemporary events and developments. On the one hand the world was plunged into new political conflicts, which is reflected even in the introduction to his Commentary on Deuteronomy, the publication of which was delayed by the outbreak of World War I. On the other hand, the outcome of the conflict between Reform and Orthodox movements was already clearly outlined. A non-Orthodox Judaism had obtained a firm grip on large segments of the Jewish populations and Jewish intellectual life in many communities. This latter development resulted in the curious situation that there was no longer an outlet for Hoffmann's approach. Those of his own Orthodox community who would have considered his work possibly disturbing if not heretical, in another time, now simply shrugged their shoulders; they were not interested. They probably thought his effort a waste of time and energy. After all, it was no doubt thought that exactly those people Hoffmann intended to protect from biblical criticism (see the introduction to the Hebrew translation of *Instanzen* and *Bereishit*) were in any case already lost for traditional Judaism. The non-conformist Jewish scholars had already done their own work in this field, fully digesting the principles of biblical criticism to the core and, moreover, they had already seceded from the Orthodox community in every respect anyhow. In his introduction, the translator of *Bereishit*, Asher Wasserteil, even justifies his removal of most of Hoffmann's refutations of higher criticism from the main body of the commentary to the footnotes, by stating that by now - i.e. 1969 - these issues were no longer relevant and, moreover, Torah scholars are not interested in these matters anyhow. As well, he wants to make a clear distinction between the sacred and the profane and, finally, he does not want to bore the reader. Yet, it is his intention to present a full picture of Hoffmann's scholarship and that would include these strictly time and place bound issues, as he sees them, as well.<sup>11</sup> So much for the Jewish public reaction to Hoffmann's work. Among the contemporary exceptions mention should be made of the review of *Instanzen* and *Deuteronomium* by Dr. Jacob Sperber.<sup>12</sup> The only other Orthodox Jewish scholar to take on Wellhausen in the spirit of Hoffmann is Jakob Neubauer who

wrote a book and an article on the topic,<sup>13</sup> in which he refers to the pioneering character of Hoffmann's work with gratitude and respect. A few more tokens of recognition would follow upon Hoffmann's death, in the early twenties. And that is it. That this assessment of the translator is not justified is also attested to by the fact, as described above, that the discussion on the "age of P" is being continued today.

Summarizing the place of Hoffmann and his critique of biblical criticism, I propose seven observations.

- 1) According to certain Jewish opinions, Hoffmann would be a representative of *true Wissenschaft*. This conclusion is based on the method underlying his work: his use of sources, philology, and (at least as far as his rabbinical studies are concerned) his sense of historicity. This, of course, is quite ironic, as he was a vehement opponent of the "agenda" of *Wissenschaft* in its association with those forces that, in his opinion, were detrimental to *gesetzestreues* or *thoratreues Judentum* (Judaism faithful to the Torah; or popularly today, Torah-true Judaism).
- 2) Protestant Christian Bible criticism possessed an anti-Jewish bias. The critical view clearly evolved from a position in which, at first, Mosaic authorship was defended, then at least the basic traditional chronology of the Hebrew Bible was left intact and considered as being largely in concert with Israelite history. Next the order of the traditional chronology was completely turned around to produce the following interesting picture. As Christianity was considered to be a direct heir of prophetic religion, which had nothing to do with the legislative religion of Judaism, and Judaism in turn was merely an offshoot of "Hebrew religion," the Wellhausenian school creates a historical continuity straight from the Prophets to Christianity, who thus became its precursor. Judaism, then, becomes a mere aberration based upon a dry system of laws which originated after the Prophets. Hoffmann does not focus on either this point of rewritten biblical history or the "evolution of religions" argument.
- 3) Hoffmann's exegesis fits fully into an apologetic program in which Judaism had to defend itself against the onslaught of Christian Bible critics, as his medieval predecessors did vis-à-vis the religious polemicists. He even used the same format, presenting his polemics (or apologia) both within the framework of his commentaries as well as in an independent polemical tract, i.e., *Instanzen*. Yet, in doing this Hoffmann would adhere to a contemporary critical method of investigation. Despite the ideological slant of his criticism, Hoffmann's virtuosity as an exegete emerges clearly from his work and is demonstrated in the way he uses "inner-biblical" dynamics. His philological insight is

applied to bringing various passages - torn from their contexts by the critics - back into their proper places and to show their interrelatedness.

- 4) Hoffmann's exegesis could be termed 'modern' from a historical point of view in the sense that the content and method of his investigation clearly formed an answer to a new phenomenon in Bible scholarship in his own time.
- 5) However, Hoffmann could be placed squarely in the middle of medieval exegesis and its concomitant religious worldview. Levenson and Petuchowski demonstrated very clearly which are the prerequisites for a commentator in order to be called a modern and which are the inhibitions, so to say, that would keep him confined to the structure of medieval thought.
- 6) It could be posited that if it had been Hoffmann's fear and concern that the critical approach to the Bible would extend into the Jewish realm, by way of the Reformist school of *Wissenschaft*, this fear has proven to be justified. However, if it had been Hoffmann's hope that his work might have countered this development, or even turn it around altogether, he was sadly mistaken.
- 7) Finally, it seems that if it was Hoffmann's intention to disprove Wellhausen lock, stock and barrel, or in other words, prove both the unity of the text, its traditional Mosaic dating (if not its divine origin!), as well as the traditional dates for the other texts of the Hebrew Bible, he has only partially succeeded in providing a set of convincing arguments, despite the optimism that he did so, voiced by Max Kapustin,<sup>14</sup> who provides both a defense and continuation of Hoffmann's position. However, when he is confronted with the question how to view the fact that the oldest manuscripts of the Masoretic text are medieval and that meanwhile older, non-Masoretic, fragments have been discovered, Kapustin is not able to answer his respondent on issues of the perceived letter-perfect character of the text and the Mosaic origin of its present format. He returns to an apologetic stance - in fact quoting Hoffmann - to the effect that even if scribal or other errors had crept into the text, it would not be possible to restore a text written under divine guidance. Where Hoffmann has failed, in my opinion, at least as far as *Instanzen* is concerned, is in establishing a Mosaic dating/authorship for P. As I explained, it is not sufficient to demonstrate its pre-exilic origin, as opposed to Wellhausen's post-exilic preference.

In conclusion it might be argued that even if Hoffmann may have refuted Wellhausen on many issues, he has not sufficiently been able to prove his own position. In disproving a negative point, one has not necessarily proved the corresponding positive one. As support for this supposition I have listed a number of modern studies at the relevant places in the footnotes of the translation that illustrate and emphasize this problem and the lacuna in Hoffmann's approach: namely, while they refute one position, they thereby do not necessarily confirm the opposing one (see also note 5 below). The problem is further



exacerbated by the fact that while *Instanzen* aims at being a scholarly text, it at the same time does so with apologetic intent. The dualism that seems to plague Hoffmann is inherent in the way Orthodoxy in general deals with its confrontation with biblical criticism: the problem really seems to be unresolvable in the sense that a harmonization of the present positions is quite unimaginable. This inner conflict has been clearly analyzed by Steven Shaw, who presents some of the most interesting modern voices on to this matter.<sup>15</sup> Perhaps everything that has been discussed does say something about the conflicting and ever challenging nature of Torah itself, for, after all, does not Tradition itself ascribe at least seventy faces to the Torah?<sup>16</sup>

<sup>1</sup> Schechter 1915a: 176.

<sup>2</sup> Uffenheimer 1972, Greenberg 1983, Goshen-Gottstein 1983a, Sama 1983, Greenspahn 1987 and 1993.

It seems to me that at present two schools of thought are discernible: one seeing the rise of modern Jewish biblical scholarship as a new development in reaction to Christian biblical scholarship which arose in the wake of the European Renaissance, the other disagreeing with the former in casting the medieval Jewish commentators - who recognized many of the problems later picked up by biblical criticism - in the role of progenitors of modern (Jewish) biblical scholarship. The latter position presents an interesting problem, as not only is it rather apologetic (like the apologetic position dealt with in chs. 1-4, 1-5) it also resembles, in a way, the activities of contemporary fundamentalists (both Christian and Jewish) who, while denying those findings of modern science that are uncomfortable for their religious outlook, try to establish at the same time that many of today's scientific ideas and innovations were anticipated or even actually found in Scripture!

Without going into the discussion concerning the meaning of *peshat*, Ch. Cohen's 1987 article is also worth mentioning. He deals among other things with the consciousness expressed concerning textual problems in Tenach among the traditional commentators. He shows that on the one hand they were aware of these problems, and on the other hand they were not some kind of proto-biblical critics in the modern sense. It is unfortunate that Cohen ignores Hoffmann when dealing (however briefly) with the later traditional commentators (see p. 41, note 17). On the strained relationship between large segments of present day Orthodoxy and the interpretative schools of pre-modern Judaism that preceded it, see B. Levy 1992 and 1996.

<sup>3</sup> Harris 1994: 327, note 57.

<sup>4</sup> Marmorstein 1966 translated Hoffmann's introduction to his Leviticus commentary. The quote is on p. 92.

<sup>5</sup> This list is of course far from exhaustive. It merely intends to be illustrative. Weinfeld 1983: 129 summarizes the problem very clearly when he states:

"In regard to these [Wellhausen's views on laws and institutions] one has to admit that the evidence from the ancient Near East adduced here was not yet available at the beginning of this century and Wellhausen could not be blamed for not making use of it. The last fifty years have not only produced new evidence concerning the cult and religion of biblical times, but have also established a firm basis for their proper understanding. This evidence gives us, of course, a better chance for evaluating the institutions of the Priestly Code. Wellhausen could not avail himself of all this and therefore could speculate about the date of P only on the basis of internal evidence. Now that we have external evidence our views have naturally changed, although we still lack positive proof for dating P. If new evidence emerges for the late date of P we should, of course, consider it, but as long as it does not, Wellhausen's arguments cannot be accepted".

This view is shared by Hurwitz 1985. His comparative study of "building narratives", examines the relationship and similarities, both in content and literary form, between the accounts of sanctuary construction as they occurred in the ancient Near East and those in the Hebrew Bible. Whereas it is the Wellhausenian view that the account in Exodus and Leviticus is an artificial construct and that the shorter version in the LXX reflects an "earlier stage in the literary development than the Masoretic Text," Hurwitz demonstrates with the help of the available material that, on the contrary, the MT account in its present form is largely in agreement with the sometimes even older accounts from Israel's neighbors. He concludes to say that despite certain minor discrepancies which need explanation, "that whatever model will be proposed [for a reconstruction of the total textual unit], it must take into account the observations offered here showing that the sequence of events in the Priestly account of building the Tabernacle is in its present form typical of ancient Near Eastern accounts of building a temple. This is the order most ancient authors would follow in telling a story about building a temple; the order proposed by Wellhausen is not." (p. 30).

Other contributions in favor of an early (i.e., pre-exilic) date for the Priestly Code are: Hurvitz 1960; 1974; 1983; 1985, and his 1982 full-length study on the linguistic relationships between Ezekiel and P. This book was reviewed by Milgrom 1984 who is of the opinion that Hurvitz makes an "irrefutable" case for a pre-

exile date for P, and more pronounced even: "P's doctrine of repentance and its sociopolitical institutions reflect an even earlier period – prior to classical prophecy and the monarchy." Of a much more reserved nature is the review by Garton 1987, who, while he thinks Hurvitz's study has value, is not convinced by his arguments and conclusions as to the early date of P. See further: Zevit 1982, Haran 1983, Knohl 1987.

Positively in favor of a late date are e.g. Vink 1969, Levine 1983, I. Ben Zvi 1992, Kote 1993: 106–107. In a personal recollection, referring to Yehezkel Kaufmann's arguments in favor of P's precedence over D, Kote states that if these be right, "then by the same token one could prove that the Bourbonian restoration of 1815 preceded the French revolution." See further note 233a of the translation.

- <sup>6</sup> On Kaufmann's position vis à vis Wellhausen, see his "Probleme der israelitisch-jüdischen Religionsgeschichte," (1930, 1933). Furthermore, Weinfield 1979, Uffenheimer 1973–74, Haran 1981: 325, who discusses here as well Kaufmann's use of D/Z. Hoffmann.

<sup>7</sup> Cf. B. Halpern 1987 for Kaufmann's interpretation of this topic.

- <sup>8</sup> For Cassuto, cf. *ET* 5:234–235. His theories are contained in his Bible commentaries (on Genesis and Exodus) as well as his book *The Documentary Hypothesis*, 1961. For an analysis of his views cf. Uffenheimer 1976. I have found no reference to Hoffmann in Cassuto's work.

- <sup>9</sup> I.e., *Toldot*, Vol. I, p. 114, note 4. Kaufmann criticizes Hoffmann for not recognizing that P has a legislation with regard to the *hamot* (high places), independent from Deuteronomy. It is true that he credits him further with a critical sense or feeling, through which he, remarkably, knew to put his finger on the three pieces of legislation in P with which to shatter the Graf-Wellhausen hypothesis (namely, the laws concerning the Pesach sacrifice, profane slaughter, and tithes), yet, in the end, Hoffmann's own harmonistic pretext will not stand up in the face of criticism, says Kaufmann. Kaufmann is more positive with regard to Hoffmann's linguistic comparisons between the Books of Ezekiel and Leviticus and Deuteronomy respectively. Cf. *Toldot*, Vol. 3, book I, p. 535, note 67. See *Instanzen*, pp. 26–34 and 35–37.

- <sup>10</sup> *ENCYCLOPAEDIA JUDAICA* – Hesse-Jerusalem, 1931.

Bemerkenswert sind Hoffmann's Arbeiten auf biblischem Gebiete, die der Wiederlegung der Bibelkritik gewidmet sind; Hoffmann war fast die einzige jud. Gelehrte, der seine entschiedene Ablehnung der Bibelkritik auch im Werke zu begründen suchte.

*THE UNIVERSAL JEWISH ENCYCLOPEDIA* (Ed. Isaac Landman) – NY-USA, 1948.

Hoffmann's scholarly works are written from the standpoint of strict Orthodoxy, in them he maintains the Mosaic authorship of the Pentateuch and believes literally in the doctrine of Revelation. His great service to this Orthodoxy was that he gave its teachings a scientific and critical basis. He was almost the only Jewish scholar of his day who devoted much time to Biblical criticism. He was a bitter opponent of the "higher criticism" of the Wellhausen school, and undertook to refute its conclusions in a number of works, such as *Abhandlungen über die pentateuchischen Gesetze* (1878) and *Die wichtigsten Instanzen*. His commentary on Lev. ... with its establishment of the value of the Tannaitic writings for the understanding of the Bible, was described by Joseph Halévy as the most profound contribution to the understanding of Lev. since Rashi.

*THE STANDARD JEWISH ENCYCLOPEDIA* – Cecil Roth (Ed.), London, 1959.

He opposed the Reform movement and published articles defending the Talmud and Shulhan Arukh against their anti-Semitic detractors. Hoffmann attacked the Wellhausen school of biblical criticism which undermined the sanctity of the Bible. His published studies include commentaries on parts of the Pentateuch and an introduction to tannaitic midrashim.

*THE ENCYCLOPEDIA OF THE JEWISH RELIGION* – Zvi Werblowski & Geoffrey Wigoder (Eds.), London, 1965.

...Hoffmann was a vigorous champion of Orthodoxy both against Reform and against anti-Semitic attacks on the Talmud and the Shulhan Arukh. He wrote studies in early rabbinic literature and halakhic responsa (Melammed le-ho'il) and published editions of midrashic texts. His major work was his commentary on Leviticus and Deuteronomy which critically examined Graf-Wellhausen's theories of biblical criticism.

- <sup>11</sup> This negative attitude toward the refutations of Wellhausen and other Bible critics in Hoffmann's commentaries is especially remarkable in the light of the strong polemical character of some of the most important medieval Jewish commentaries. No one would even consider purging these of their polemical content – be it in a new edition or translation – as they form an integral part of these commentaries.

On the polemical aspect of medieval commentaries, see e.g. E.L.J. Rosenthal 1957 and 1964, on anti-Christian polemic in medieval Bible commentaries; *ibid.*, 1960, on the character of medieval Jewish exegesis; Talmage 1967 on Radak; Touitou 1990 on Rashi; Marc Cohen 1994: 141–142, 245, notes 13, 14.

- <sup>12</sup> Sperber 1916.

- <sup>13</sup> Neubauer 1917, 1918, 1922. On the scholarship of Jakob Neubauer (1895–1945), cf. the entry in *EJ* 12:1005; B. de Vries 1956.

- <sup>14</sup> Kapustin 1960.

- <sup>15</sup> Shaw 1969.

- <sup>16</sup> Numbers Rabbah, Naso 13:15. This midrash is a late text, probably not earlier than the 12th century and not attested to earlier than the 13th. Scholem 1969: 62–65 discusses this concept and its sources. See also the end of Ibn Ezra's introduction to his Torah commentary.

## Abbreviations

<i>AO</i>	Acta Orientalia (Hungary)
<i>BASOR</i>	Bulletin of the American Schools of Oriental Research
<i>CBQ</i>	Catholic Biblical Quarterly
<i>CJR</i>	Christian Jewish Relations
<i>IE</i>	Encyclopaedia of Islam 1913-1936
<i>IE²</i>	Encyclopaedia of Islam, New Edition 1986-...
<i>IJ</i>	Encyclopaedia Judaica, 1972
<i>HTR</i>	Harvard Theological Review
<i>HUCA</i>	Hebrew Union College Annual
<i>IOS</i>	Israel Oriental Studies
<i>JAAR</i>	Journal of the American Academy of Religion
<i>JAOS</i>	Journal of the American Oriental Society
<i>JBL</i>	Journal of Biblical Literature
<i>JbTh</i>	Jahrbuch für die Theologie
<i>JH</i>	Jewish History
<i>JJS</i>	Journal of Jewish Studies
<i>JSAI</i>	Jerusalem Studies in Arabic and Islam
<i>JSJ</i>	Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period
<i>JSJT</i>	Jerusalem Studies of Jewish Thought
<i>JSOT</i>	Journal for the Study of the Old Testament
<i>JSS</i>	Jewish Social Studies
<i>JTS</i>	Journal of Theological Studies
<i>JQR</i>	Jewish Quarterly Review
<i>JR</i>	Journal of Religion
<i>JZ</i>	Jüdische Zeitung
<i>KS</i>	Kiryath Sepher
<i>MGWJ</i>	Monatsschrift für Geschichte und Wissenschaft des Judentums
<i>MW</i>	The Muslim World
<i>MWJ</i>	Monatsschrift für die Wissenschaft des Judentums
<i>NKZ</i>	Neue kirchliche Zeitschrift
<i>OS</i>	Oudtestamentische Studien
<i>PAAJR</i>	Proceedings of the American Association for Jewish Research
<i>SH</i>	Scripta Hierosolymitana
<i>SI</i>	Studia Islamica
<i>StR</i>	Studia Rosenthaliana
<i>SVT</i>	Supplements to Vetus Testamentum
<i>VT</i>	Vetus Testamentum
<i>ZAW</i>	Zeitschrift für die Alttestamentliche Wissenschaft
<i>ZDMG</i>	Zeitschrift der Deutschen Morgenländischen Gesellschaft
<i>ZTK</i>	Zeitschrift für Theologie und Kirche

Some bibliographical abbreviations found in *Instanzen*:

A.T.	Alten Testament (Old Testament)
BB	Bücher (books)
Einl.	Einleitung (introduction)
EL	Dillmann's commentary on Exodus and Leviticus
Gesch.	Geschichte (history)

## Bibliography

- Aasi, Ghulam Harder. 1987. "Muslim Understanding of Other Religions: An Analytical Study of Ibn Hazm's *Kitab al-Fasl fi al-Milal wa al-Ahwa' wa al-Nihal*," unpubl. dissertation, Temple University.
- Aberbach, Moshe. 1992. "Abraham Geiger and Samson Raphael Hirsch," *Midstream* June/July 1992: 37-39, August/Sept. 1992: 23-26.
- 'Abdu'l-Ahad Dawud, B.D. 1991. *Muhammad in the Bible*. Presidency of Shariyah Courts & Islamic (or Religious) Affairs of the State of Qatar (4th edition).
- Abrahams, Israel. 1966/67. "Samuel David Luzzatto as Exegete," *JQR* 57 (1966/67): 83-100, 179-199.
- Adang, Camilla. 1996. *Muslim Writers on Judaism and the Hebrew Bible, From Ibn Rabban to Ibn Hazm*. Leiden: Brill.
- Al-Faruqi, Isma'il R. 1986. "Judaism, Zionism and Islam." In: *Judaism or Zionism: What Difference for the Middle East?* [Papers from a conference held in Washington DC, May 1983]. Edited by EAFORD [= International Organization for the Elimination of All Forms of Racial Discrimination] & AJAZ [= American Jewish Alternatives to Zionism] London: Zed Books: 52-65.
- Aloni, Nehemiah. 1959. "Ha-Milim ha-Bodedot be-She'lot Atiqot," *HUCA* 30: 1-14 (Hebrew section).
- Altmann, Alexander. 1943. "Saadya's Theory of Revelation: Its Origin and Background." In E.L.J. Rosenthal (ed.) *Saadya Studies* 1980 (1943): 117-205.
- Amir, Yehoshua. 1988. "Authority and Interpretation of Scripture in the Writings of Philo." In M.J. Mulder (ed.) *Mikra*. Assen: Van Gorcum, 421-454.
- Anstett, J.J. 1955. "Paul de Lagarde." In: *The Third Reich*. London: Weidenfeld & Nicolson.
- Arkush, Allan. 1993. "Voltaire on Judaism and Christianity," *AJS Review* 18: 223-243.
- Aviad-Wollfberg, Yeshayahu. 1958. "David Hoffmann." In *Guardians of our Heritage*. L. Jung (ed.). New York, 363-419.
- . 1944. "R' Eziel Hildesheimer ve-R' David Zvi Hoffmann." *Sinai* 14: 65-81.
- Ayoub, Mahmoud. 1986. "Uzayr in the Qur'an and Muslim Tradition." In: William M. Brinner & Stephen D. Ricks, eds. *Studies in Islamic and Judaic Traditions I*. Atlanta: Scholars Press, 3-18.
- Bach, H.I. 1984. *The German Jew: A Synthesis of Judaism and Western Civilization 1730-1930*. London: Littman Library of Jewish Civilization.
- Bacher, Wilhelm. 1901. "Zu Schechter's Neuestem Geniza-Funde," *JQR n.s.* 13: 741-745.
- Baron, Salo W. 1965 (1957). *A Social and Religious History of the Jews*. New York: Jewish Publ. Society.
- Barth, Aron. 1972. *The Modern Jew Faces Eternal Problems*. Jerusalem: Jewish Agency.
- Barton, John. 1984. "Classifying Biblical Criticism." *JSOT* no. 29: 19-35.
- . 1984a. *Reading the Old Testament: Method in Biblical Study*. Philadelphia: Westminster Press.
- Barzilay, Isaac E. 1967. *Between Reason and Faith: Anti-Rationalism in Italian Jewish Thought 1250-1650*. The Hague/Paris: Mouton.
- . 1974. *Yoseph Shlomo Delmedigo (Yashar of Candia): His Life, Works and Times*. Leiden: Brill.
- . 1974a. "Finalizing an Issue: Modena's Authorship of the *Qol Sakhal*." In: *Salomon Wittmayer Baron Jubilee Volume*, Vol. I. New York: Columbia University Press, 135-166.
- Baßfreund, J. 1907. "Zur Redaktion der Mischna," *MGWJ* 51: 291-322, 429-444, 590-608, 678-708.
- Ben-Shammai, Haggai. 1984. "The Attitude of Some Early Karaites Towards Islam." In: Isadore Twersky (ed.), *Studies in Medieval Jewish History and Literature II* [Center for Jewish Studies, Harvard Judaic Monograph V] Cambridge, Mass.: Harvard University Press, 3-40.
- Ben Zvi, Ehud. 1992. "The List of the Levitical Cities." *JSOT* no. 54: 77-106.
- Berger, David. 1979. *The Jewish-Christian Debate in the High Middle Ages*. Philadelphia: JPS.
- Betz, Hans Dieter. 1991. "Wellhausen's Dictum 'Jesus was not a Christian, but a Jew' in Light of Present Scholarship." *Studia Theologica* 45: 83-110.
- Bhajan, Sam V. 1974. "The Muslim Understanding of the Scripture." In: D.S. Amalorpavadass (ed.) *Research Seminar on Non-Biblical Scriptures*. Bangalore, India: 489-507.
- Biale, David. 1974. "Exegesis and Philosophy in the Writings of Abraham Ibn Ezra." *Comitatus* 5: 43-62.
- Blackman, E.C. 1948. *Marcion and His Influence*. London: S.P.C.K.
- Blank, Sheldon. 1937/38. "The Death of Zechariah in Rabbinic Literature." *HUCA* 12/13: 327-346.
- Blenkinsopp, Joseph. 1977. *Prophecy and Canon. A Contribution to the Study of Jewish Origins*. Notre Dame: University of Notre Dame Press.
- . 1984. "Old Testament Theology and the Jewish-Christian Connection." *JSOT* no. 28: 3-15.
- Bonfil, Robert. 1971. "Demuta shel ha-Yahadut be-sifro shel Raymund Martini 'Pigion ha-Emunah'." *Tarbitz* 40: 360-375.
- Breuer, Mordechai. 1970. *The Torah-im-Derekh-Eretz of S.R. Hirsch*. New York: Feldheim.

- \_\_\_\_\_. 1977. "Tradition in an Age of Reform - The Religious Philosophy of S.R. Hirsch" [Review of book by this title by Noah Rosenbloom]. *Tradition* 16: 140-149.
- \_\_\_\_\_. 1984. "Hokhmah Yisrael - Shalosh Gishot Orthodoxot." In *Jubilee Volume in Honor of Rabbi Y.D. Solovitchik*, vol. 2, Jerusalem, 856-865.
- \_\_\_\_\_. 1986. *Jüdische Orthodoxie im Deutschen Reich 1871-1918*. Frankfurt a. Main: Athenäum Verlag. Translated as: *Modernity Within Tradition: The Social History of Orthodox Jewry in Imperial Germany*. New York: Columbia University Press, 1992 (with updated bibliography).
- Briggs, Sheila. 1992. "The Decent of the Sublime: An Investigation into the Origins of Ideological Criticism of the Bible in Early Nineteenth-Century German Biblical Studies." *Semeia* 59: 1-23.
- Brin, Gershon. 1981. "Iyyun be-Feirushei R. Yehudah he-Hasid la-Torah." *Sinai* 88: 1-17. [English transl.: "R. Yehudah he-Hasid: Early Bible Exegete Rediscovered." *Immanuel* (1981) 12: 21-31].
- Brooke, John Hedley. 1991. *Science and Religion: Some Historical Perspectives*. Cambridge: Cambridge University Press.
- Brown, Jonathan M. 1969. *Modern Challenges to Halakhah*. Chicago: Whitehall Company-HUCA.
- Cassuto, Umberto. 1961. *The Documentary Hypothesis*. Jerusalem: Hebrew University, Magnes Press.
- Chejne, Anwar. 1982. *Ibn Hazm*. Chicago: Kazi Publications.
- Cheyne, T.K. 1893. *Founders of Old Testament Criticism*. New York: Charles Scribner's Sons.
- Coggins, R.J. 1975. *Samaritans and Jews: The Origins of Samaritanism Reconsidered*. Atlanta: John Knox Press.
- Cohen, Abraham. 1923. "The Bible and Modern Criticism." *Jewish Chronicle*, July 13th.
- Cohen, Chaim. 1987. "Elements of Peshat in Traditional Jewish Bible Exegesis." *Immanuel* no. 21: 30-42.
- Cohen, Jeremy. 1982. *The Friars and the Jews: The Evolution of Medieval Anti-Judaism*. Ithaca: Cornell University Press.
- Cohen, Mark R. 1994. *Under Crescent and Cross: The Jews in the Middle Ages*. Princeton: Princeton University Press.
- Cohn, Norman. 1981. *Warrant for Genocide: The myth of the Jewish world-conspiracy and the Protocols of the Elders of Zion*. Chico, Ca: Scholars Press, (1969).
- Dahl, Nils A. 1983. "Wellhausen on the New Testament." In: Knight 1983: 89-110.
- Dalber, Hans. 1994. "The Quran as a 'Shibboleth' of Varying Conceptions of the Godhead." *IOS* 14: 249-295.
- d'Ancona, J. 1940. "Delmedigo, Menasseh ben Israel en Spinoza." *Bijdragen en Mededeelingen van het Genootschap voor de Joodsche Wetenschap in Nederland* 6: 105-152.
- Davidson, Israel. 1915. *Saadia's Polemic Against Hiwi al-Balkhi*. New York: Jewish Theological Seminary of America.
- De Lange, Nicholas. 1991. "The Origins of Anti-Semitism: Ancient Evidence and Modern Interpretations." in Sander L. Gilman and Steven T. Katz, eds. *Anti-Semitism in Times of Crisis*. New York: New York University Press, 21-37.
- Delitzsch, Friedrich. 1903. *Babel and Bible*. Edited and with an introduction by C.H.W. Johns. New York: G.P. Putnam's Sons.
- Dever, William G. 1995. "Will the Real Israel Please Stand Up?" - Archaeology and Israelite Historiography: Part I." *BASOR* no. 297: 61-80.
- De Vries, B. 1956. "Jakob Neubauer." *Bijdragen en Mededeelingen van het Genootschap voor de Joodsche Wetenschap in Nederland* 7: 37-42.
- De Vries, Simon J. 1963. "The Hexateuchal Criticism of Abraham Kuenen." *JBL* 82: 31-57.
- \_\_\_\_\_. 1993. "Kuenen's Pentateuchal Research in Comparison with Recent Pentateuchal Studies in North America." In: Dirksen and Van der Kooij, 1993: 128-147.
- Dirksen, P.B. and A. van der Kooij (Eds.). 1993. *Abraham Kuener (1828-1891): His Major Contributions to the Study of the Old Testament (various contributors)*. *OS* 29.
- Eisner, Isi Jacob. 1967. "Reminiscences of the Berlin Rabbinical Seminary." *Yearbook Leo Baeck Institute* 12: 32-52.
- Eliav, Mordechai. 1965. *Rabbiner Esriel Hildesheimer Briefe*. Jerusalem.
- \_\_\_\_\_. 1992. "Various Approaches to Torah in Derekh Eretz: Ideal and Reality." *Tradition* 26: 99-108.
- Ellenson, David. 1979. "A Response by Modern Orthodoxy to Jewish Religious Pluralism: The Case of Esriel Hildesheimer." *Tradition* 17: 74-89.
- \_\_\_\_\_. 1990. *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy*. Univ. of Alabama Press.
- \_\_\_\_\_. and Richard Jacobs. 1988. "Scholarship and Faith: David Hoffmann and his Relationship to Wissenschaft des Judentums." *Modern Judaism* 8: 27-40.
- Erder, Yoram. 1994. "Early Karaite Conceptions about Commandments Given Before the Revelation of the Torah." *PAAJR* 60: 101-140.

- Ehrlich, Josef. 1982. *In the Shadow of History: Jews and Conversos at the Dawn of Modernity*. Albany: SUNY Press.
- Feinstein, Moshe. 1981. *Sefer Igrot Moshe, Yore De'ah*. New York.
- Feldman, Louis H. 1993. "Josephus' Portrait of Ezra." *VT* 43: 190-214.
- \_\_\_\_\_. 1993a. *Jew and Gentile in the Ancient World*. Princeton: Princeton University Press.
- Fischel, Walter J. 1958. "Ibn Khaldun: On the Bible, Judaism and the Jews." In *Ignace Goldziher Memorial Volume II*. Jerusalem, 147-171.
- Fischer, L. 1914. "Bibliography der Schriften und Aufsätze des Dr. D. Hoffmann." In: Wohlgenuth 1914 VII XXXV.
- Fleischer, Ezra. 1967. "le-Tsiyyon ha-She'elot Atiqot ule-b'ayat zehut mehaberan." *HUCA* 38: 1-23 (Hebrew section).
- \_\_\_\_\_. 1980. "le-Zihuy Ma'atik ha-She'elot ha-Atiqot." *KS* 55: 183-190.
- \_\_\_\_\_. 1981-82. "Sarid me-hasagotav shel Hiwi ha-Balkhi'al Sipurei ha-Miqra." *Tarbiz* 51: 49-57.
- Friedlaender, M. 1877. *Essays on the Writings of Abraham Ibn Ezra*, vol. IV. London: Trubner and Co.
- Funkstein, Amos. 1970. Gesetz und Geschichte: zur historisierenden Hermeneutik bei Moses Maimonides und Thomas von Aquin. *Viator* 1: 147-178.
- \_\_\_\_\_. 1971. "Basic Types of Christian Anti-Jewish Polemics in the Later Middle Ages." *Viator* 2: 373-382.
- \_\_\_\_\_. 1986. *Theology and the Scientific Imagination*. Princeton: Princeton University Press.
- \_\_\_\_\_. 1993. *Perceptions of Jewish History*. Berkeley, Los Angeles, Oxford: University of California Press.
- Gager, John G. 1973. "The Dialogue of Paganism with Judaism: Bar Cochba to Julian." *HUCA* 44: 89-118.
- Gaster, Moses. 1923. *The Samaritans, Their History, Doctrines and Literature*. London: Oxford Univ. Press.
- Gaudeul, Jean-Marie and Robert Gaspar. 1980. "Textes de la Tradition Musulmane Concernant le Tahrit (Falsification) des Ecritures." *Islamochristiana* 6: 61-104.
- Gay, Peter. 1971. *The Party of Humanity. Essays in the French Enlightenment*. New York: W.W. Norton (1954).
- \_\_\_\_\_. 1977. *The Enlightenment, The Rise of Modern Paganism*. New York: W.W. Norton (1966).
- Gershenzon, Rosalie and Elieser Slomovic. 1985. "A Second Century Jewish-Gnostic Debate: Rabbi Jose ben Halafai and the Matrona." *JSJ* 16: 1-41.
- Ginzberg, Louis. 1928. "David Hoffmann." In L. Ginzberg (ed.) *Students, Scholars, and Saints*. New York: JPS, 252-262.
- Goldziher, Ignaz. 1872. "Proben muhammedanischer Polemik gegen den Talmud I." (*Kolbak's Jeschurun* 8: 76-104 (*GS I*: 136-164).
- \_\_\_\_\_. 1873. "Proben muhammedanischer Polemik gegen den Talmud II." (*Kolbak's Jeschurun* 9: 511-552 (*GS I*: 229-258).
- \_\_\_\_\_. 1875. "Polemik der Drusen gegen den Pentateuch." *JZ* 11: 68-79 (*GS I*: 352-363).
- \_\_\_\_\_. 1878. "Über muhammedanische Polemik gegen Ahl al-kitab." *ZDMG* 32: 341-387 (*GS II*: 1-47).
- \_\_\_\_\_. 1967-1973. *Gesammelte Schriften*. Ed. J. de Somogyi, 6 vols. Hildesheim: Georg Olms (= *GS*).
- Goshen-Gottstein, Moshe. 1983. "Humanism and the Rise of Hebraic Studies: From Christian to Jewish Renaissance." In: Carol M. Meyers and M. O'Connor (eds.) *The Word of the Lord Shall Go Forth*. Winona Lake, Indiana: Eisenbrauns, 691-696.
- \_\_\_\_\_. 1983a. "Modern Jewish Bible Research: Aspects of an Integration." *Proceedings of the Eighth World Congress of Jewish Studies* (English section): 1-18.
- Grant, Robert M. 1945. "Historical Criticism in the Ancient Church." *JR* 25: 183-196.
- Gray, Edward McQueen. 1923. *Old Testament Criticism: Its Rise and Progress from the Second Century to the End of the Eighteenth*. New York: Harper & Brothers.
- Green, William Henry. 1896. *The Higher Criticism of the Pentateuch*. New York: Scribner's Sons.
- Greenberg, Moshe. 1983. "Ha-yitakhen Mada' Miqra Biqorti Be'al Ofi Yehudi?" *Proceedings of the Eighth World Congress of Jewish Studies - Hebrew Section*, 95-98. [Transl. "Can Modern Critical Bible Scholarship Have a Jewish Character?" *Immanuel* (1982-83) 15: 7-12].
- Greenspahn, Frederick E. 1987. "Biblical Scholars, Medieval and Modern." In: J. Neusner, B.A. Levine, E.S. Frenchs (eds.) *Judaic Perspectives on Ancient Israel*. Philadelphia: Fortress Press, 245-258.
- \_\_\_\_\_. "How Modern Are Modern Biblical Studies?" In: Marc Brettler & Michael Fishbane (eds.) *Minhah le-Nahum, Biblical and Other Studies Presented to Nahum M. Sarna in Honour of his 70th Birthday*. [JSOT Supplement Series 154] Sheffield, 164-182.
- Greenstein, Edward. 1989. "Deconstruction and Biblical Narrative." *Prooftexts* 9: 43-71.
- Greer, Rowan A. 1961. *Theodore of Mopsuestia, Exegete and Theologian*. Westminster: The Faith Press.
- Griffith, Sidney H. 1988. "Jews and Muslims in Christian Syriac and Arabic Texts of the Ninth Century." *JH* 3: 65-94.

- Grossman, Lawrence. 1985. "Lernen without Learning?" [Review of Samuel Heilman's *The People of the Book*]. *Tradition* 21: 87-91.
- Gruntfeld, I. 1958. *Three Generations: The Influence of Samson Raphael Hirsch on Jewish Life and Thought*. London: Jewish Post Publications (see ch. 4 for Hoffmann).
- Gugenheimer, J. "Die Hypothesen der Bibelkritik und der Commentar zur Genesis von Herrn Rabbiner S.R. Hirsch." *Jeschurun* 13(1866-7): 293-312, 397-409, 14(1867-8): 1-17, 173-190, 312-324, 15(1868-9): 81-100, 179-192, 16(1869-70).
- Gunkel, Hermann. 1903. *Israel und Babylonien. Der Einfluss Babyloniens auf die israelitische Religion*. Göttingen: Vandenhoeck u. Ruprecht.
- Haddad, Mohanna Y.S. 1984. "Arab Perspectives of Judaism: A Study of Image Formation in the Writings of Muslim Arab Authors 1948-1978." Unpubl. dissertation, Rijksuniversiteit Utrecht.
- Hahn, Herbert. 1959. "Wellhausen's Interpretation of Israel's Religious History: A Reappraisal of His Ruling Ideas." In *Essays on Jewish Life and Thought Presented in Honor of Salo Wittmayer Baron*. New York: Columbia University Press, 299-308.
- \_\_\_\_\_. 1970. *The Old Testament in Modern Research*. Philadelphia: Fortress Press (1954).
- Halkin, A.S. 1963. "The Medieval Jewish Attitude Toward Hebrew." *Biblical and Other Studies*. Alexander Altmann, Ed. Cambridge: Harvard Univ. Press: 233-248.
- Halkin, Abraham and David Hartman. 1985. "The Epistle to Yemen," in: *Crisis and Leadership: Epistles of Maimonides*. Philadelphia: Jewish Publication Society: 91-208.
- Halpern, Baruch. 1987. "Brisker Pipes than Poetry": The Development of Israelite Monotheism." In: Jacob Neusner, Baruch A. Levine, and Ernest S. Frerichs (eds.) *Judaic Perspectives on Ancient Israel*. Philadelphia: Fortress Press, 77-115.
- Halpern Amaru, Betsy. 1983. "The Killing of the Prophets: Unraveling a Midrash." *HUCA* 54: 153-180.
- Haran, Menachem. 1981. "Behind the Scenes of History: Determining the Date of the Priestly Source." *JBI* 100: 321-333.
- \_\_\_\_\_. 1983. "The Character of the Priestly Source: Utopian and Exclusive Features." *Proceedings of the Eighth World Congress of Jewish Studies*, 131-138.
- \_\_\_\_\_. 1986. "Midrashic and Literal Exegesis and the Critical Method in Biblical Research." *SH* 31: 19-48.
- Harkaby, Yehoshaphat. 1971. *Arab Attitudes to Israel*. Jerusalem: Israel Universities Press.
- Harns, Jay. 1992. "Modern Students of Midrash Halakhah: Between Tradition and Wissenschaft." In Jack Wertheimer (Ed.), *The Uses of Tradition*. New York: Jewish Theological Seminary, 261-277.
- \_\_\_\_\_. 1993. "Ibn Ezra in Modern Jewish Perspective." In: I. Twersky & J.M. Harris (eds.) *Rabbi Abraham Ibn Ezra: Studies in the Writings of a Twelfth-Century Jewish Polymath*. [Center for Jewish Studies, Harvard Judaic Monograph X] Cambridge, Mass.: Harvard University Press: 129-170.
- \_\_\_\_\_. 1994. *How Do We Know This? Midrash and the Fragmentation of Modern Judaism*. Albany: SUNY Press.
- Hastings, H.L. ca. 1895. "The Higher Criticism." In Rufus P. Stebbins. *The Higher Critics Criticised*. Boston: Repository Press.
- Hayes, John H. 1983. "Wellhausen as Historian of Israel." In: Knight 1983: 37-60.
- \_\_\_\_\_. and J. Maxwell Miller (eds.) 1977. *Israelite and Judaeon History*. London: SCM Press.
- Heschel, Abraham Joshua. 1965. *Torah min ha-shamayim ba-aspaklariyah shel ha-dorot*, vol. II. New York: Soncino.
- Hirsch, S.A., 1890. "Jewish Philosophy of Religion and Samson Raphael Hirsch." *JQR* 2: 109-138.
- Hirsch, Samson Raphael. 1969. *The Nineteen Letters*. A new edition based on the translation by Rabbi Dr. Bernard Drachman [of the 1836 original *Neunzehn Briefe über Judenthum* [Iggerot Zafun]]: New York: Feldheim.
- Hirschfeld, Hartwig. 1901. "Mohammedan Criticism of the Bible." *JQR* n.s. 13: 222-240.
- Hoffmann, David Zvi. 1904, 1916. *Die Wichtigsten Instanzen gegen die Graf-Wellhausensche Hypothese*, 2 vols.; Berlin: Poppelauer.
- \_\_\_\_\_. 1928. *Reayot Makhriyot Neged Wellhausen* - translation of *Instanzen* by Eliezer Barishansky; Jerusalem: Darom Publ.
- \_\_\_\_\_. 1890. "Priester und Leviten. Eine Beurtheilung der Schrift: *Der Kampf zwischen Priestern und Leviten seit den Tagen Ezechiel's*. Eine historisch-kritische Untersuchung, von Dr. H. Vogelstein." *MGWJ* 17: 79-89; 136-151, and 236-249.
- \_\_\_\_\_. "Probleme der Pentateuch-Exegese." (dealing with passages from Genesis and Exodus) *Jeschurun* 1(1914): 43-50; 114-119; 272-280; 390-396; 2(1915): 18-21; 132-137; 213-223; 308-320; 501-506; 3(1916): 20-35; 159-164; 4(1917): 14-20; 177-185; 310-319; 373-383; 535-546; 5(1918): 289-301; 501-513; 6(1919): 12-21; 133-143.
- \_\_\_\_\_. 1905-06. *Das Buch Leviticus, übersetzt und erklärt*. Berlin: Poppelauer.

- \_\_\_\_\_. 1913-22. *Das Buch Deuteronomium, übersetzt und erklärt*. Berlin: Poppelauer.
- \_\_\_\_\_. 1915. "Der Talmud über die letzten 8 Verse der Torah." *Jeschurun* 2: 425-432.
- \_\_\_\_\_. 1920. "Thora und Wissenschaft." *Jeschurun* 7: 497-512.
- \_\_\_\_\_. 1969. *Sefer Bereishit*. Bnei Brak: Netzach. Edited and translated by Asher Wasserman.
- Houtman, C. 1980. *Inleiding in de Pentateuch*. Kampen (The Netherlands): Kok.
- Hurowitz, Victor (Avigdor). 1985. "The Priestly Account of Building the Tabernacle." *JAOH* 105: 21-30.
- Hurvitz, Avi. 1980. "The Usage of *ל* and *ב* in the Bible and Its Implication for the Date of P." *HTR* 60: 117-121.
- \_\_\_\_\_. 1974. "The Evidence of Language in Dating the Priestly Code: A Linguistic Study in Technical Idioms and Terminology." *Revue Biblique* 81: 24-56.
- \_\_\_\_\_. 1982. *A Linguistic Study of the Relationship Between the Priestly Source and the Book of Ezekiel. A New Approach to an Old Problem*. Paris: Cahiers de la Revue Biblique, vol. 20.
- \_\_\_\_\_. 1983. "The Language of the Priestly Source and its Historical Setting - the Case for an Early Date." *Proceedings of the Eighth World Congress of Jewish Studies*, 83-94.
- \_\_\_\_\_. 1985. "The Documentary Hypothesis and the Chronological Structure of the Old Testament." *ZAW* 97: 316-333.
- Hyamson, M. 1928-29. Review of Hoffmann's *Melamed Leho'il*, vol. 1. *JQR* 19: 275-280.
- Idel, Moshe. 1989. *Language, Torah, and Hermeneutics in Abraham Abulafia*. Albany: SUNY Press.
- Jacobs, Louis. 1964. *Principles of the Jewish Faith*. London: Vallentine-Mitchell.
- Jansen, Hans. 1981. *Christelijke Theologie na Auschwitz*, Vol. 1. The Hague: Uitgeverij Boekencentrum.
- Jeffery, Arthur. 1950. "The Qur'an as Scripture." *MW* 40: 41-55, 106-134, 185-206, 257-275.
- Kamesar, Adam. 1995. "Philo and the Literary Quality of the Bible." *JJS* 46: 55-68.
- Kaplan, Yosef, Richard Popkin, et al. (eds.) 1989. *Menasseh ben Israel and His World*. Leiden: Brill.
- Kapustin, Max. 1960. "Biblical Criticism: A Traditionalist View." *Tradition* 3: 25-33 [responses, *Tradition* 3(1960: 265-266)].
- Kasher, Menachem. 1960. "Kuntres Seder Ketivat ha-Torah," appendix to *Torah Sheleimah* vol. 19. New York: American Biblical Encyclopedia Society, 328-379.
- Kassin, Leon Jacob. 1969. "A Study of a Fourteenth-Century Polemical Treatise 'Adversus Judaeos.'" unpubl. Ph.D.-thesis, New York: Columbia University.
- Katz, Jacob. 1980. *From Prejudice to Destruction: Anti-Semitism, 1700-1933*. Cambridge: Harvard University Press.
- \_\_\_\_\_. 1986. "Orthodoxy in Historical Perspective." In Peter Medding (ed.) *Studies in Contemporary Jewry II*, 3-17.
- \_\_\_\_\_. 1990. "Towards a Biography of the Hatam Sofer." In Frances Malton and David Sorkin (eds.) *From East and West: Jews in a Changing Europe 1750-1870*. Oxford: Basil Blackwell, 223-266.
- Kaufmann, Yehezkel. 1930. "Probleme der israelitisch-jüdischen Religionsgeschichte I." *ZAW* 48: 23-43.
- \_\_\_\_\_. 1933. "Probleme der israelitisch-jüdischen Religionsgeschichte II." *ZAW* 51: 35-47.
- Kellner, Menachem. 1986. *Dogma in Medieval Jewish Thought. From Maimonides to Abravanel*. Oxford: Littman Library.
- Khan, Geoffrey. 1990. "Al-Qirqisani's Opinions Concerning the Text of the Bible and Parallel Muslim Attitudes towards the Text of the Qur'an." *JQR* 81: 59-73.
- Knight, Douglas (Ed.). 1983. Julius Wellhausen and his *Prolegomena to the History of Israel*. *Semeia* 25. Thematic issue.
- \_\_\_\_\_. 1983a. "Wellhausen and the Interpretation of Israel's Literature." In: Knight 1983: 21-36.
- \_\_\_\_\_. and Gene M. Tucker. 1985. *The Hebrew Bible and its Modern Interpreters*. Chico, California: Scholars Press.
- Knohl, Israel. 1987. "The Priestly Torah Versus the Holiness School: Sabbath and the Festivals." *HUCA* 58: 65-117.
- König, Eduard. 1920. *Friedrich Delitzsch's 'Die Große Täuschung' kritisch beleuchtet*. Gutersloh: C. Bertelsmann.
- \_\_\_\_\_. 1920a. "Der neueste Ansturm gegen die religionsgeschichtliche Stellung Israels." *Jeschurun* 7: 513-530.
- \_\_\_\_\_. 1922. "Der moderne Kampf gegen die Geschichtlichkeit der Patriarchenreligion." *Jeschurun* 9: 91-115. (English transl. in *JQR* 22(1931-32): 119-142).
- Kraus, Hans-Joachim. 1982. *Geschichte der historisch-kritischen Erforschung des Alten Testaments*. 3rd expanded edition. Neukirchen: Neukirchener Verlag.
- Kreisel, Howard. 1987. "The 'Voice of God' in Medieval Jewish Philosophical Exegesis." *Da'at* no. 16: 29-38.
- Kugel, James. 1981. "On the Bible and Literary Criticism." *Prooftexts* 1: 217-236.
- Kurzweil, Zvi. 1985. *The Modern Impulse of Traditional Judaism*. Hoboken, New Jersey: Ktav.



- Lambe, Patrick J. 1985. "Biblical Criticism and Censorship in Ancien Régime France: The Case of Richard Simon." *JHR* 78: 149-177.
- Langmuir, Gavin. 1971. "Anti-Judaism as the Necessary Preparation for Anti-Semitism." *Viator* 1: 383-389.
- Lasker, Daniel. 1977. *Jewish Philosophical Polemics Against Christianity in the Middle Ages*. New York: Ktav.
- . 1990/91. "The Jewish Critique of Christianity under Islam in the Middle Ages." *PAAJR* 57: 121-149.
- . 1994. "Against Whom Did Saadia Polemicize in His Discussion Concerning Abrogation of the Torah?" *Da'at* 32: 33-5-11 (Hebrew).
- Lazarus-Yafeh, Hava. 1992. *Intertwined Worlds: Medieval Islam and Bible Criticism*. Princeton, NJ: Princeton University Press.
- . 1995. "Tahrif and Thirteen Torah Scrolls." *JSAT* 19: 81-89.
- Leavitt, Frank J. 1994. "Why Spinoza Will Never Again Be One Of Us." *Le'ela* (1994) March, no.37: 40-42.
- Leiman, Sid Z. 1976. *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence*. Hamden, Conn.: Archon Books.
- Levenson, Jon D. 1993. *The Hebrew Bible, the Old Testament, and Historical Criticism*. Louisville, Kentucky: Westminster/John Knox Press.
- Levine, Baruch A. 1983. "Late Language in the Priestly Source: Some Literary and Historical Observations." *Proceedings of the Eighth World Congress of Jewish Studies*, 69-82.
- Levine, Howard. 1963. "Enduring and Transitory Elements in the Philosophy of S.R. Hirsch." *Tradition* 5: 278-297 [rejoinder by Shelomoh E. Danziger in *Tradition* 6(1964)2: 141-158].
- Levy, B. Barry. 1992. "On the Periphery: North-American Orthodox Judaism and Contemporary Biblical Scholarship." In David Sperling, ed. *Students of the Covenant*. Atlanta: Scholars Press, 159-204.
- . 1996. "The State and Directions of Orthodox Bible Study." In: Shalom Carmy, ed. *Modern Scholarship in the Study of Torah. Contributions and Limitations*. The Orthodox Forum Series: A Project of the Rabbi Elchanan Theological Seminary / Yeshiva University. Northvale, New Jersey: Jason Aronson Inc., 39-80.
- Levy, Ze'ev. 1989. *Baruch or Benedict? On Some Jewish Aspects of Spinoza's Philosophy*. New York, etc.: Peter Lang.
- Lewis, Bernard. 1986. *Semites and Anti-Semites: An Inquiry into Conflict and Prejudice*. London: Weidenfeld & Nicolson.
- . 1986a. "The Arab World Discovers Anti-Semitism." *Commentary* May 1986: 30-34.
- Loader, J.A. 1984. "The Exilic Period in Abraham Kuenen's Account of Israelite Religion." *ZAW* 96: 3-23 [Response: W.S. Prinsloo, *ZAW* 98(1986)2: 267-271].
- Lowy, Simeon. 1977. *The Principles of Samaritan Bible Exegesis*. Leiden: Brill.
- Mack, Burton. 1982. "Under the Shadow of Moses: Authorship and Authority in Hellenistic Judaism." *SBL Seminar Papers*, 299-318.
- Madelung, Wilferd F. 1974. "The Origins of the Controversy Concerning the Creation of the Koran." *Orientalia Hispanica sive studia F.M. Pareja octogenario dicata*. Vol. I/1, J.M. Barral (ed.); Leiden: Brill: 504-525.
- Maier, W. 1832. "Aben-Ezra's Meinung über den Verfasser des Pentateuchs." *Theologische Studien und Kritiken* 5: 634-644.
- Manuel, Frank E. 1974. *The Religion of Isaac Newton*. (The Freemantle Lectures 1973). Oxford at the Clarendon Press.
- . 1992. *The Broken Staff: Judaism Through Christian Eyes*. Cambridge, Mass.: Harvard Univ. Press.
- Marcus, Ivan. 1989. "Exegesis for the Few and for the Many: Judah he-Hasid's Biblical Commentaries." *JSJT* 8: 1-24.
- Marmorstein, Jenny. 1966. "David Hoffmann - Defender of the Faith" (translation of his Introduction to the Commentary on Leviticus). *Tradition* 7-8: 91-101.
- Marx, Alexander. 1944. "David Hoffmann." In *Studies in Jewish History and Booklore*. A. Marx (ed.) New York, 369-376.
- . 1947. "David Hoffmann." *Essays in Jewish Biography*. A. Marx (ed.). New York, 185-222.
- McCarthy, Carmel. 1981. *The Tiqqune Sopherim and Other Theological Corrections in the Masoretic Text of the Old Testament*. Göttingen.
- McKee, David Rice. 1944. "Isaac de la Peyrère, a Precursor of Eighteenth-Century Critical Deists." *Publications of the Modern Language Association of America* 59: 456-485.
- Milgrom, Jacob. 1984. Review of Avi Hurvitz. *A Linguistic Study of the Relationship Between the Priestly Source and the Book of Ezekiel. A New Approach to an Old Problem* 1982. *CBQ* 46: 118-199.
- Miller, Patrick D. 1983. "Wellhausen and the History of Israel's Religion." In: Knight 1983: 61-74.
- Munk, Joseph. 1994. "Non-Jews in the Light of Halakhah." *Le'ela*, March: 27-32.

- Nemoy, Leon. 1945. "A Tenth Century Criticism of the Doctrine of the Logos." *JBL* 64: 515-529.
- Nettler, Ronald L. 1987. *Past Trials & Present Tribulations: A Muslim Fundamentalist's View of the Jews*. New York: Pergamon Press.
- Neubauer, Jakob. 1917. *Bibelwissenschaftliche Irrungen*. Berlin.
- . 1918. "Wellhausen und die heutige stand der Bibelwissenschaft." *Jeshurun* 5: 203-233.
- . 1922. "Die Bedeutung David Hoffmann's für die Bibelwissenschaft, dargestellt an Hand seiner wichtigsten Forschungsergebnisse." *Jeshurun* 9: 347-376.
- Neuwirth, Angelika. 1983. "Das islamische Dogma der 'Unnachahmlichkeit des Korans' in Literaturwissenschaftlicher Sicht." *Der Islam* 60: 166-183.
- Newman, Amy. 1993. "The Death of Judaism in German Protestant Thought from Luther to Hegel." *JAAR* 61: 455-484.
- Oden, Robert. 1987. "Intellectual History and the Study of the Bible." In: R.E. Friedman & H.G.M. Williamson (eds.) *The Future of Biblical Studies: The Hebrew Scriptures*. Atlanta: Scholars Press: 1-18.
- Orlinsky, Harry M. 1975. "The Septuagint as Holy Writ and the Philosophy of the Translators." *HUCA* 46: 89-114.
- Pantiz, Michael. 1987/88. "New Heavens and a New Earth": Seventeenth- to Nineteenth-Century Jewish Responses to the New Astronomy." *Conservative Judaism* 40(2): 28-42.
- Perlmann, Moshe. 1940. "Abd al-Hakk al-Islami, a Jewish Convert." *JQR* 31: 171-191.
- . 1949. "Eleventh-Century Andalusian Authors on the Jews of Granada." *PAAJR* 18: 269-290.
- . 1964. *Samau'al al-Maghribi: Ifham al-Yahud (Silencing the Jews)*. *PAAJR* 32.
- . 1973. "The Medieval Polemics between Islam and Judaism." In: S.D. Goitein (ed.) *Religion in a Religious Age*. Cambridge, Mass.: Association for Jewish Studies, 103-138.
- Peters, J.R.T.M. 1976. *God's Created Speech*. Leiden: Brill.
- Petuchowski, Jakob. 1959. "The Supposed Dogma of the Mosaic Authorship of the Pentateuch." *The Hibbert Journal* 57: 356-360.
- Pines, Shlomo. 1987. "Spinoza's Tractatus Theologico-Politicus and the Jewish Philosophical Tradition." In: Isadore Twersky and Bernard Septimus (eds.) *Jewish Thought in the Seventeenth Century*. [Center for Jewish Studies, Harvard Judaic Monograph VI]. Cambridge: Harvard University Press, 499-521.
- Polka, Brayton. 1992. "Spinoza's Concept of Biblical Interpretation." *Jewish Thought & Philosophy* 2: 19-44.
- Popkin, Richard H. 1974. "Bible Criticism and Social Science." *Boston Studies in the Philosophy of Science*, 14: 339-360.
- . 1976. "The Development of Religious Skepticism and the Influence of Isaac La Peyrère's Pre-Adamism and Bible Criticism." In: R.R. Bolgar (ed.) *Classical Influences on European Culture, AD 1500-1700*. Cambridge: Cambridge University Press, 271-280.
- . 1977. "Spinoza and La Peyrère." *The Southwestern Journal of Philosophy*, 8: 177-195.
- . 1985. "Spinoza and Samuel Fisher." *Philosophia* 15: 219-236.
- . 1987. *Isaac La Peyrère (1596-1676): His Life, Work and Influence*. Leiden: Brill.
- . 1992. "Newton's Biblical Theology and his Theological Physics." In: Richard H. Popkin (ed.) *The Third Force in Seventeenth-Century Thought*. Leiden: Brill, 172-188.
- Porges, N. 1902. "Zu Schechter's Neuestem Geniza-Funde." *JQR o.s.* 14: 129-133.
- . 1908. "Eine Geniza-Studie." *JQR o.s.* 20: 187-210.
- . 1928. Review of C. Gebhardt's 1922 book on Da Costa, *Die Schriften des Uriel da Costa mit Einleitung, Übertragung und Regesten*. *JQR* 19: 37-74.
- Powers, David S. 1986. "Reading/Misreading One Another's Scriptures: Ibn Hazm's Refutation of Ibn Nagrella al Yahu'di." In: William M. Brinner & Stephen D. Ricks (eds.) *Studies in Islamic and Judaic Traditions I*. Atlanta: Scholars Press, 109-121.
- Poznanski, S. 1901. "Einige Vorläufige Bemerkungen zu dem Geniza-Fragment." *JQR o.s.* 13: 746-749.
- Preus, J. Samuel. 1995. "A Hidden Opponent in Spinoza's *Tractatus*." *HTR* 88: 361-388.
- Primus, Charles. 1973. "David Hoffmann's 'The First Mishna'." In Jacob Neusner (ed.) *The Modern Study of the Mishna*. Leiden: Brill, 122-134.
- Pulzer, P.G.J. 1964. *The Rise of Political Antisemitism in Germany and Austria*. New York: John Wiley & Sons.
- Purvis, James. 1968. *The Samaritan Pentateuch and the Origin of the Samaritan Sect*. Cambridge: Harvard University Press.
- Qimron, Elisha. 1987. Review of Avi Hurvitz. *A Linguistic Study of the Relationship Between the Priestly Source and the Book of Ezekiel. A New Approach to an Old Problem* 1982. *Leshonenu* 50/51: 235-239.
- Rabinowitz, Louis. 1965. "Torah Min Ha-Shamayim." *Tradition* 7: 34-45.
- Rendtorff, Rolf. 1983. "The Jewish Bible and its Anti-Jewish Interpretation." *CJR* 16:3-20.

1992. "The Image of Post-Exilic Israel in German Bible Scholarship from Wellhausen to Von Rad." In *'Sha'arei Talmon' Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon*. Winona Lake, Indiana: Eisenbrauns, 165-173.
1993. "The Paradigm Is Changing: Hopes - and Fears." *Biblical Interpretation* 1: 34-53.
- Reventlow, Henning. Graf. 1985. *The Authority of the Bible and the Rise of the Modern World*. (Transl. from the German). Philadelphia: Fortress Press.
- Richardson, David. 1985. "The Scholar as Heretic." *The Jerusalem Post Magazine*, Friday, July 12, 1985.
- Rivkin, Ellis. 1947-1950. "Leon da Modena and the *Kol Sakhal*." *JQR* 38: 227-265, 369-408, 39: 63-78, 40: 135-146, 41: 307-327.
- Rofé, Alexander. 1993. "Abraham Kuenen's Contribution to the Study of the Pentateuch." In: Dirksen and Van der Kooij 1993: 105-113.
- Rogerson, John W. 1985. *Old Testament Criticism in the Nineteenth Century*. Philadelphia: Fortress Press.
1991. W.M.L. de Wette, *Founder of Modern Biblical Criticism: an Intellectual Biography*. Sheffield: JSOT Press [JSOT Suppl. Series no. 126].
- Rosenbloom, Noah. 1965. *Luzzatto's Ethico-Psychological Interpretation of Judaism*. New York: Yeshiva University.
1976. *Tradition in an Age of Reform. The Religious Philosophy of Samson Raphael Hirsch*. Philadelphia: The Jewish Publication Society of America.
1992. "Discreet Theological Polemics in Menasseh ben Israel's 'Conciliador'." *PAAJR* 58: 143-191.
- Rosenthal, Ervin I.J. 1960. "The Study of the Bible in Medieval Judaism." *The Cambridge History of the Bible*, Vol. 2: 252-279 [Repr.: *Studia Semitica*, Vol. 1: Jewish Themes (1971): 244-271]
1960. "Anti-Christian Polemic in Medieval Bible Commentaries" *JJS* 11: 115-135.
1964. "Medieval Jewish Exegesis: Its Character and Significance." *JSS* 9: 265-281.
- Rosenthal, Judah. 1947-48. "Hiwi al-Balkhi: A Comparative Study." *JQR* 38(1947-48): 317-342; 419-430; 39(1948-49): 79-94.
1948. "She'elot Atiqot ba-Tanakh." *HUCA* 21: 29-91 (Hebrew section).
- Rotenstreich, Nathan. 1963. *The Recurring Pattern. Studies in Anti-Judaism in Modern Thought*. London: Weidenfeld & Nicolson.
1992. "The 'Science of Judaism' and Its Transformation." *Jewish Studies* 32: 9-12.
- Roth, N. 1987. "Forgery and Abrogation of the Torah." *PAAJR* 54: 203-236.
- Rudavsky, David. 1965. "Samuel David Luzzatto and Neo-Orthodoxy." *Tradition* 7: 21-44.
- Rudolph, Kurt. 1983. "Wellhausen as an Arabist," in: Knight 1983, *Semeia* 25: 111-155.
- Sa'adya Gaon. *The Book of Beliefs and Opinions*. Transl. from the Arabic and the Hebrew by Samuel Rosenblatt [Yale Judaica Series I] New Haven, London: Yale University Press, 1976(1948).
- Sadan, Joseph. 1994. "Identity and Inimitability. Contexts of Inter-Religious Polemics and Solidarity in Medieval Spain, in the Light of Two Passages by Mose Ibn 'Ezra and Ya'aqov ben El'azar." *IOS* 14: 325-347.
- Salomon, Herman Prins. 1990. "A Copy of Uriel Da Costa's *Eframe das Tradicoes Phariseas* Located in the Royal Library of Copenhagen." *StR* 24: 153-168.
- and I.S.D. Sassoon. 1993. *Uriel Da Costa. Examination of Pharisaic Traditions*. (Translated and annotated plus facsimile; with Da Silva's refutation appended.) Leiden: Brill.
- Sarna, Nahum. 1971. "Hebrew and Bible Studies in Medieval Spain" In: R.D. Barnett (ed.) *The Sephardi Heritage*, vol. 1; New York: Ktav, 323-366.
1983. "The Modern Study of the Bible in the Framework of Jewish Studies." in *Proceedings of the Eighth World Congress of Jewish Studies*, 19-27.
1993. "Ibn Ezra as Exegete." In: I. Twersky & J.M. Harris (eds.) *Rabbi Abraham Ibn Ezra: Studies in the Writings of a Twelfth-Century Jewish Polymath*. [Center for Jewish Studies, Harvard Judaic Monograph X] Cambridge, Mass.: Harvard University Press: 1-27.
- Schechter, Solomon. 1901. "Geniza Specimens: The Oldest Collection of Bible Difficulties by a Jew." *JQR* n.s. 13: 345-374.
1915. "Higher Criticism - Higher Antisemitism" In *Seminary Addresses and Other Papers*. Cincinnati: Ark Publ., 35-39.
- 1915a. "The Beginnings of Jewish 'Wissenschaft'." In *Seminary Addresses and Other Papers*. Cincinnati: Ark Publ., 173-193.
- Scheiber, Alexander. 1956. "Unknown Leaves from She'elot Atiqot." *HUCA* 27: 291-303.
1957. "An Old Polemic Work from the Kaufmann Geniza (with "Parallels to the Questions from Rabbinic sources")." *AO* 7: 27-63.
1965. "Fernere Fragmente aus She'elot Atiqot." *HUCA* 36: 227-259.
1966. "Neue Blätter aus dem Alten Polemischen Werk." *AO* 19: 25-44.
1967. "Parallelen zu den Fragen des Alten Polemischen Werkes." *AO* 20: 119-134.

1978. "Die prosaische Einleitung der Scheelot Atikot aus der Genisa." *AO* 32: 67-71.
- Schlossberg, Eliezer. 1990. "R. Saadia Gaon's Attitude Towards Islam." *Da'at* 25: 21-51 (Hebrew).
1994. "Who Was the Target of R. Saadia Gaon's Polemic About the Abrogation of the Torah? A Response to Prof. Daniel H. Lasker's Paper" *Da'at* 32: 33-131 (Hebrew).
- Scholder, Klaus. 1990. *The Birth of Modern Critical Theology, Origins and Problems of Biblical Criticism in the Seventeenth Century*. London: SCM Press Philadelphia: Trinity Press [Transl. from the German *Ursprünge und Probleme der historisch-kritischen Theologie* 1966 by John Bowden]
- Scholem, Gershom. 1969. "The Meaning of the Torah in Jewish Mysticism." In: *Gershom Scholem on the Kabbalah and its Symbolism*. New York: Schocken, (1960), 32-87.
1972. "The Name of God and the Linguistic Theory of the Kabbala" *Diogenes* nr. 79: 59-80, nr. 80: 164-194.
- Schreiner, Martin. 1888. "Zur Geschichte der Polemik zwischen Juden und Muhammedaner." *ZDMG* 42: 591-675 (GS: 75-160).
1894. "Die apologetische Schrift des Salomo b. Adret gegen einen Muhammedaner." *ZDMG* 48: 43-44 (GS: 275-277).
1983. *Gesammelte Schriften. Islamische und jüdisch-islamische Studien*. Herausgegeben und eingeleitet von Moshe Perlmann [Collectanea XI] Hildesheim, Zurich, New York: Georg Olms Verlag (= GS).
- Schwab, Hermann. 1950. *The History of Orthodox Jewry in Germany*. London.
- Schwarzschild, Steven. 1961-62. "Do Noachites Have to Believe in Revelation? (A passage in dispute between Maimonides, Spinoza, Mendelssohn and H. Cohen) A Contribution to a Jewish View of Natural Law." *JQR* 52: 297-308; 53: 30-65. [Repr. in Menachem Kellner (ed.) *The Pursuit of the Ideal. Jewish Writings of Steven Schwarzschild*. Albany: SUNY Press, 1990: 29-60.]
- Schweid, Eliezer. 1984/5. "Two Neo-Orthodox Responses to Secularization I: Samson Raphael Hirsch." *Immanuel* no. 19: 107-117.
- Segal, Alan F. 1977. *Two Powers in Heaven: Early Rabbinic Reports About Christianity and Gnosticism*. Leiden: Brill.
1981. "Ruler of This World: Attitudes about Mediator Figures and the Importance of Sociology for Self-Definition." In: E.P. Sanders (ed.) *Jewish and Christian Self-Definition, Vol. II: Aspects of Judaism in the Greco-Roman Period*. Philadelphia: Fortress Press, 245-268, 403-412.
- Seligsohn, M. 1903. "Une critique de la Bible du temps des Guenonim." *REJ* 46: 99-127.
- Shamir, Yehuda. 1975. *Rabbi Moses ha-Kohen of Tordesillas and his Book 'Ezer ha Eimuna - A Chapter in the History of the Judeo-Christian Controversy*. Leiden: Brill.
- Shapiro, Marc B. 1993. "Maimonides' Thirteen Principles: The Last Word in Jewish Theology?," *Torah U-Madda Journal* 4: 187-242 [Rejoinders: *Torah U-Madda Journal* 5(1994): 182-189].
- Shaw, Steven. 1969. "Orthodox Reactions to the Challenge of Biblical Criticism." *Tradition* 10: 61-85.
- Shutt, J.H. 1985. "The Letter of Aristaeus." In James H. Charlesworth, ed. *The Old Testament Pseudepigrapha*, Vol. 2, New York: Doubleday & Co., 7-34.
- Silber, Michael K. 1992. "The Emergence of Ultra-Orthodoxy: The Invention of a Tradition." In Jack Wertheimer (Ed.), *The Uses of Tradition*. New York: Jewish Theological Seminary, 23-84.
- Silberman, Lou H. 1983. "Wellhausen and Judaism." In: Knight 1983: 75-82.
- Silver, Daniel Jeremy. 1965. *Maimonidean Criticism and the Maimonidean Controversy 1180-1240*. Leiden: Brill.
- Simon, Marcel. 1986. *Verus Israel: A Study of the Relations Between Christians and Jews in the Roman Empire (AD 135-425)*. London: Oxford University Press/Littman Library. Transl. from the French, 1964.
- Simon, Uriel. 1993. "Yishaki: A Spanish Biblical Commentator Whose 'Book Should be Burned', According to Abraham ibn Ezra." In Marc Brettler & Michael Fishbane (eds.) *Minhah le-Nahum. Biblical and Other Studies Presented to Nahum M. Sarna in Honour of his 70th Birthday*. [JSOT Supplement Series 154] Sheffield, 300-317.
- 1993a. "Who Was the Proponent of Lexical Substitution Whom Ibn Ezra Denounced as a Prater and a Madman?" In *Frank Talmage Memorial Volume I*, Haifa: Haifa Univ. Press, 217-232.
- Slyomovics, Peter. 1982. "Spinoza and Biblical Criticism." (Hebrew) *JSJT* II: 232-254.
- Smend, Rudolph. 1982. "Wellhausen und das Judentum." *ZTK* 79: 249-282 [reprint in: Rudolf Smend. 1991. *Epochen der Bibelkritik*, München: Chr. Kaiser Verlag, 186-215.]
- "Julius Wellhausen and His Prolegomena to the History of Israel." in Knight 1983: 1-20.
- Soggin, Alberto. 1983. *Introduction to the Old Testament*. London: SCM Press.
- Sonne, Isaiah. 1931. "Da Costa Studies." *JQR* 22: 247-293.
1948. "Leon Modena and the Da Costa Circle in Amsterdam." *HUCA* 21: 1-28.

- \_\_\_\_\_. 1951. "Biblical Criticism in the Middle Ages." *Freedom & Reason: Studies in Philosophy and Jewish Culture in Memory of Morris R. Cohen* : 438-446.
- Sorkin, David. 1992. "Jews, the Enlightenment and Religious Toleration - Some Reflections." *Yearbook of the Leo Baeck Institute* 37 : 3-16.
- Sperber, Jacob. 1916. "D. Hoffmann's 'Deuteronomium' und 'Wichtigsten Instanzen'." *Jeschurun* 3 : 585-590.
- Spinoza, Benedict (Baruch). 1951 (1883). *A Theologico-Political Treatise*. Transl. by R.H.M. Elwes. New York: Dover Publ.
- Steck, Odil Hannes. 1967. *Israel und das Gewalttame Geschick der Propheten*. Neukirchen-Vluyn: Neukirchener Verlag.
- Stern, Fritz. 1961. *The Politics of Cultural Despair: A Study in the Rise of the Germanic Ideology*. Berkeley: University of California Press.
- Stern, Menachem. 1974. *Greek and Latin Authors on Jews and Judaism*. 3 vols., edited with introductions, translations and commentary; Jerusalem: The Academy of Sciences and Humanities.
- Stone, Michael E. 1982. "The Metamorphosis of Ezra: Jewish Apocalypse and Medieval Vision." *JTS n.s.* 33: 1-18.
- Strauss, Leo. 1965. *Spinoza's Critique of Religion*. New York: Schocken Books.
- \_\_\_\_\_. 1976. "How to Study Spinoza's *Theologico-Political Treatise*." *Persecution and the Art of Writing*. Westport, Conn.: Greenwood Press (1952), 142-201.
- Stroumsa, Gedaliahu G. 1992. "Gnosis and Judaism in Nineteenth Century Christian Thought." *Jewish Thought and Philosophy*, 2: 45-62.
- Stroumsa, Sarah. 1987. "From Muslim Heresy to Jewish-Muslim Polemics: Ibn al-Rawandi's *Kitab al-Damigh*." *JAOS* 107: 767-772.
- Stuermann, Walter. 1960. "Benedict Spinoza: A Pioneer in Biblical Criticism." *PAAJR* 29: 133-179.
- Sweetman, J. Windrow. 1945. *Islam and Christian Theology: A Study of the Interpretation of Theological Ideas in the Two Religions*. Vol. 1/1. London: Lutterworth Press.
- \_\_\_\_\_. 1947. *Islam and Christian Theology: A Study of the Interpretation of Theological Ideas in the Two Religions*. Vol. 1/2. London: Lutterworth Press.
- Tal, Uriel. 1975. *Christians and Jews in Germany. Religion, Politics, and Ideology in the Second Reich, 1870-1914*. Ithaca: Cornell University Press.
- Talmage, Frank. 1967. "R. David Kimhi as Polemicist." *HUCA* 38: 213-235.
- Thompson, R.J. 1970. *Moses and the Law in a Century of Criticism Since Graf*. Leiden: Brill.
- Thompson, Thomas. 1992. *Early History of the Israelite People from the Written and Archeological Sources*. Leiden: Brill.
- Touitou, Elazar. 1990. "Rashi's Commentary on Genesis 1-6 in the Context of Judeo-Christian Controversy." *HUCA* 61: 159-183.
- Tov, Emanuel. 1984. "The Rabbinic Tradition Concerning the 'Alterations' Inserted into the Greek Pentateuch and Their Relation to the Original Text of the LXX." *JSJ* 15: 65-89.
- Trautner-Kromann, Hanne. 1993. *Shield and Sword. Jewish Polemics against Christianity and the Christians in France and Spain from 1100-1500*. Tübingen: Mohr.
- Tritton, A.S. 1972. "The Speech of God." *SI* 36: 5-22.
- Troki, Isaac. 1970. *Hi'zruk Emunah*. New York: Sepher-Hermon Press. (1850).
- Tyng, Dudley. 1931. "Theodore of Mopsuestia as an Interpreter of the Old Testament." *JBL* 50: 298-303.
- Uffenheimer, Benjamin. 1972. "Some Features of Modern Jewish Bible Research." *Immanuel* no. 1: 3-14.
- \_\_\_\_\_. 1973/74. "Yechezkel Kaufmann: Historian and Philosopher of Biblical Monotheism." *Immanuel* no. 3: 9-21.
- \_\_\_\_\_. 1976. "Cassuto as a Biblical Commentator." *Immanuel* no. 6: 20-29 (transl. from *Molad* 1962: 232-236).
- Van der Kooij, A. 1993. "The 'Critical Method' of Abraham Kuenen and the Methods of Old Testament Research Since 1891 up to 1991." In Dirksen and Van der Kooij (eds.) 1993: 49-64.
- Van Ess, Josef. 1996. "Verbal Inspiration? Language and Revelation in Classical Islamic Theology." In: Stefan Wild (ed.) *The Qur'an as Text*. Leiden: Brill: 177-194.
- Vink, J.G. 1969. "The Date and Origin of the Priestly Code in the Old Testament." *OS* 15: 1-144.
- Von Campenhausen, Hans. 1972. *The Formation of the Christian Bible*. Philadelphia: Fortress Press (1968).
- Waardenburg, Jacques. 1979. "World Religions as Seen in the Light of Islam." In: *Islam: Past Influence and Present Challenge*. Albany: SUNY Press, 245-275.
- Wacholder, Ben Zion. 1968. "Biblical Chronology in the Hellenistic World Chronicles" *HTR* 61: 451-481.
- Walther, Manfred. 1991. "Spinoza's Kritik der Wunder - ein Wunder der Kritik? Die historisch-kritische Methode als Konsequenz der reformatorischen Schriftprinzips." *ZTK* 88: 68-80.
- Watt, W. Montgomery. 1950. "Early Discussions about the Qur'an." *MW* 40: 27-40, 96-105.

- Weinfeld, Moshe. 1979. *Getting at the Roots of Wellhausen's Understanding of the Law of Israel on the 100th Anniversary of the "Prolegomena."* Jerusalem: Institute for Advanced Studies (report no. 14-79), The Hebrew University.
- . 1983. "Social and Cultic Institutions in the Priestly Source Against Their Ancient Near Eastern Background." *Proceedings of the Eighth World Congress of Jewish Studies*, 95-129.
- Weiss-Hahavi, David. 1991. *Peshat and Derash. Plain and Applied Meaning in Rabbinic Exegesis*. New York, Oxford: Oxford University Press.
- . 1993. "From Midrash to Mishna: Theological Repercussions and Further Clarifications of *Chate'u Yisrael*." In: Michael Fishbane ed. *The Midrashic Imagination*. Albany: SUNY Press, 23-44.
- Wellhausen, Julius. *Prolegomena to the History of Ancient Israel*. Cleveland: Meridian Books, 1965 (1957) [English translation of the 1883 German 2nd edition] A reprint of the 1885 edition appeared in 1984 (Atlanta: Scholars Press) with a new foreword by Douglas Knight.
- Westerholm, Stephen. 1991. "Whence 'The Torah' of Second Temple Judaism." In: Peter Richardson and Stephen Westerholm (eds.) *The Debate over Torah and Nomos in Post-Biblical Judaism and Early Christianity*. Waterloo: Wilfrid Laurier University Press, 19-44.
- Widengren, Geo. 1968. "Holy Book and Holy Tradition in Islam." In: F.F. Bruce and E.G. Rupp (eds.) *Holy Book and Holy Tradition, International Colloquium held in the Faculty of Theology, University of Manchester*. Grand Rapids: W.B. Eerdmans Publ. Co., 210-236.
- Wieder, Naphtali. 1962. *The Judean Scrolls and Karaism*. London.
- Wild, Stefan. 1996. "We Have Sent Down to Thee the Book with the Truth...." In: Stefan Wild (ed.) *The Qur'an as Text*. Leiden: Brill: 137-153.
- Williams, A. Lukyn. 1935. *Adversus Judaeos: A Bird's-Eye View of Christian Apologues until the Renaissance*. London: Cambridge University Press.
- Wilson, Stephen G. 1986. "Marcion and the Jews." In Stephen G. Wilson ed. *Anti-Judaism in Early Christianity*, vol. 2: *Separation and Polemic*, 45-58. (*Studies in Christianity and Judaism*, Number 2), published for the Canadian Corporation for Studies in Religion, Waterloo: Wilfrid Laurier University Press.
- Wohlgemuth, Joseph, et al. eds. 1914. *Festschrift zum 70-en Geburtstage David Hoffmann's*. Berlin: Louis Lamm.
- Wohlgemuth, Joseph. 1914. "Etwas über die Termini 'Orthodoxes und gesetzestreuces Judentum.'" In: Wohlgemuth, et al. eds. 1914: 435-453.
- . 1917. "Bibelwissenschaftliche Irrungen." *Jeschurun* 4: 229-248.
- . ed. 1917a. "Professor Kittels Obergutachten. Besprochen von einem Christen." *Jeschurun* 4(1917): 33-52, 205-213, 262-276, 327-333, 413-425, 647-658.
- . ed. 1920. "Rabbi Esriel Hildesheimer." *Jeschurun* 7. Thematic issue.
- . 1922. "David Hoffmann." *Jeschurun* 9: 1-19.
- Wohlgemuth, Judah Ari. 1958. "Joseph Wohlgemuth." In Leo Jung, ed. *Guardians of Our Heritage*. New York: Bloch, 535-555.
- Wolfson, Elliot R. 1993. "The Mystical Significance of Torah Study in German Pietism." *JQR* 84: 43-77.
- Wolfson, Harry Austryn. 1947. *Philo: Foundations of Religious Philosophy in Judaism, Christianity, and Islam*, Vol. I. Boston: Harvard University Press.
- . 1950. "The Veracity of Scripture from Philo to Spinoza." *Alexander Marx Jubilee Volume*: 603-630. Repr.: *Religious Philosophy: A Group of Essays by H.A. Wolfson*, Harvard Univ. Press, Cambridge, Mass., 1961: 217-245.
- . 1956. *The Philosophy of the Church Fathers*, Boston: Harvard University Press.
- . 1960. "The Philonic God of Revelation and His Latter-Day Deniers." *HTR* 53(1960): 101-124 [Repr. in *Religious Philosophy. A Group of Essays*, Cambridge, Mass., Harvard University Press, 1961].
- . 1979. *Repercussions of the Kalam in Jewish Philosophy*. Cambridge, Mass./London, Harvard University Press.
- Yaffe, Martin D. 1993. "Two Recent Treatments of Spinoza's *Theologico-Political Treatise* (1670), (= review of Samuel Shirley's translation; Leiden: Brill, 1991)" *Modern Judaism* 13: 309-315.
- Yovel, Yirmiyahu. 1989. *Spinoza and Other Heretics* (2 vols.). Princeton: Princeton University Press.
- Zaharopoulos, Dimitri Z. 1989. *Theodore of Mopsuestia on the Bible: A Study of His Old Testament Exegesis*. New York: Paulist Press.
- Zevit, Ziony. 1982. "Converging Lines of Evidence Bearing on the Date of P." *ZAW* 94: 481-511.

Part Two

David Zvi Hoffmann's  
*Die Wichtigsten Instanzen gegen die  
Graf-Wellhausensche Hypothese*  
("The Main Arguments against the  
Graf-Wellhausen Hypothesis")

An annotated translation

## Translator's Foreword

In my translation of Rabbi David Zvi Hoffmann's *Instanzen* I have tried to remain as faithful to the original German as possible as well as to Hoffmann's personal style, in order to preserve some of the flavor of the time and the environment in which he wrote, as long as it would not conflict with the readability of the English. This also implies that I have retained Hoffmann's paragraph division, which may therefore, sometimes seem longer than usual. The German propensity for abbreviating book titles is clearly observable in Hoffmann's text. This, too, I have retained. However, his most important abbreviations have been included in the list of abbreviations preceding the bibliography.

I have translated all of Hoffmann's citations from other works straight from his text, the only exception being Wellhausen's own *Prolegomena* and *Geschichte*, which has been translated into English under the title *Prolegomena to the History of Ancient Israel*, 1965 (1957). Use of this translation is duly indicated. In general, references to Wellhausen's work in Hoffmann's text cite the page of the original German edition. In the cases where the corresponding English passage was easily located, which was not always so, the second page reference is to the English edition.

One work that proved indispensable in preparing the translation was the Hebrew translation of Hoffmann's book by Eliezer Barishansky, entitled ראיות מכריעות נגד ולהויון (1928). Apart from supplying a new introduction and an update of the issues dealt with by Hoffmann, as well as Barishansky's own set of supplementary footnotes, this translation solved some of the problems that arose from the German original. With regard to the many scriptural citations in Hoffmann's text, it turned out that some were not altogether exact and/or lacked the proper references. Or, possibly due to printer's errors, the references proved to be even totally incorrect. Unfortunately, in most cases the Hebrew translator left them uncorrected. Where possible this has been rectified.

For the translation of the scriptural passages I have consulted *The Holy Scriptures According to the Masoretic Text. A New Translation, etc.* (Philadelphia: The Jewish Publication Society of America, 1917). In rendering the names of some of the festivals, even in places where Hoffmann did translate them, I have preferred the Hebrew term over a translation, for the simple fact that this might otherwise result in a kind of descriptive translation of an especially cumbersome nature. An exception is created, however, by the sometimes inconsistent use of the terms "Pesach," "Passover," or "chag ha- (or: feast of) matzot." In prac-



tically all cases I have followed Hoffmann, who freely interchanges "*Pesach*" and "*Passah*." The JPS translation, again, uses "passover." Moreover, most of the names may be considered familiar to the informed reader. Personal names and toponyms are in general rendered as they usually occur in English. In rendering the divine names, as well, I have retained Hoffmann's system. This means remaining faithful to the traditional Jewish approach of either using the epithet "Hashem" (the Name) for the Tetragrammeton or changing a consonant in the other divine name, i.e., Eloqim, when the latter is not rendered by "the Lord."

I have retained most of Hoffmann's own notes within the text itself at their proper place. They are placed within parentheses. Some of the longer and strictly bibliographical notes have been moved to the footnote system at the bottom of each page. My additional notes and annotations in the translation of *Instanzen* are printed in square brackets. In order to facilitate a consultation of the German original based on the English translation, the page numbers of Hoffmann's text are placed in the margins. This also made it possible to leave Hoffmann's own cross-references to earlier sections of his text intact.

In *Instanzen*, Hoffmann always uses the original Hebrew for his scriptural citations. I have either transliterated the text in these cases or used a translation, depending on the specific purpose of the citation. For the consonants, I have used the general transliteration table of the *Encyclopaedia Judaica* (1972), with the exception of ך which has been transliterated as "ch" in order to distinguish it from "kh," which is used for כ; and ם which is indicated by "tz;" this being due to the limitations of my word processor. Abbreviations of biblical books follow the general rule, with the exception of Ezekiel, which I have abbreviated as Ez. and Ezra, which has not been abbreviated.

Lastly, some of Hoffmann's peculiarities in the printed text I have left in place, such as the use of \* or bold face in citation indicators.

## Introduction

Most new critics <sup>1</sup> declare the Pentateuch to be a composite work, consisting of four documents. <sup>2</sup> The symbol P or PC [i.e., Priestly Code] is used for the so-called *Grundschrift*, which starts with *בראשית ברא* and to which mainly the priestly laws and the laws of sacrifice and purity were designated. For the Book of Deuteronomy, the symbol D is used. The other two documents are indicated by E and J, as they refer to the use of the two different names of God. The symbol JE refers to a work which is compiled from the latter two documents. According to the newest criticism, P contains yet another legal document, called the Holiness Code (H). The main components of this document can be found in Lev. 17-26. Until 1866, most of the noted critics considered P to be the oldest and D to be the latest pentateuchal source, with E and J positioned in between these two.

In 1866, however, K.H. Graf's work *Die Gesetzlichen Bücher des A.T.* was published. <sup>3</sup> This work presented the elaborately argued thesis that both the legislation of Leviticus as well as related laws in Exodus and Numbers were post-deuteronomic, and that their origin was to be dated in the period following the Exile. This hypothesis found its widest circulation mainly through the work of Julius Wellhausen (*Die Composition des Hexateuchs* and *Geschichte Israels*, which was later published under the title of *Prolegomena zur Geschichte Israels*) and has now become the ruling theory among the newest critics. Their view on the origin of the Pentateuch is basically as follows:

- 4) Before the Reform of King Josiah (II Kgs. 22 and 23) the Torah supposedly existed as a mere narrative work compiled from J and E, containing only the Covenant laws of Ex. 20-23; 34:10-26, in addition to 13:3-16. In Josiah's time ( $\pm$  623 BCE) the core of D emerged, which, expanded with additions, was later joined with JE. <sup>4</sup> Thus the pre-exilic and early post-exilic Torah consisted of just JE and D; P was added only after the Exile and later still united with JED by a Redactor (R) who also included several narratives originating in priestly circles. The newest critical school distinguishes three different layers in P: the Holiness Code (H) being the oldest part of P, the Priestly *Grundschrift* (Pg), and the latest additions: the secular material (Ps).

Shortly after the publication of Wellhausen's *Geschichte Israels* I published a series of articles <sup>5</sup> in which I raise the objections that occurred to me after a thorough examination

<sup>1</sup> [Hoffmann refers consistently to the "new critics," who to him were relatively 'new' as in time they preceded him by only half a generation at the most; but also 'new' in the sense of 'modern', i.e., un- (or anti-) traditional.]

<sup>2</sup> The critics always speak of a so-called 'Hexateuch,' as they consider the Book of Joshua as originally having been joined to the Pentateuch.

<sup>3</sup> To this should be added his article "Die s.g. Grundschrift des Pent." in *Merx' Archiv*, 1869.

<sup>4</sup> The Redactor responsible for joining D and JE, is called the Deuteronomist (R<sup>d</sup>).

<sup>5</sup> *Magazin für die Wissenschaft des Judenthums* [MWJ] 1879, 1880 ["Die neueste Hypothese über den pentateuchischen Priestercode"]. See also my article entitled "Priester und Leviten," MWJ, 1890.

of this hypothesis. Later on I discovered various other works and articles by opponents of the newest critical school in which my presentation is partly repeated, and in which partly new ideas are found, demonstrating the impossibility of this dubious hypothesis. Notwithstanding all these literary publications it seems useful to me to consider exhaustively some especially important issues opposing this hypothesis. Perhaps this presentation will somehow contribute to letting the truth be victorious. The arguments of the representatives of the newest modern school, which have become part and parcel of the objections of the opponents, will, where necessary, also be considered.

51

### The Pesach Sacrifice in the PC

The critics consider it as an axiom that ever since Josiah's reform the priestly party actively pursued centralization of the cult. According to the modern critical school, the PC goes so far in this respect that it would project the idea of centralization back to the early times of the Tent of Meeting [*'ohel mo'ed*]. Likewise, it suggests that in the entire period before the erection of the Tent of Meeting and the burnt offerings no sacrificial cult existed and that for that reason the PC does not mention the altars of the Patriarchs either.<sup>6</sup> But how can this be reconciled with the fact that it is precisely the PC, when read independently of the other pentateuchal passages, that presents the Pesach sacrifice as being slaughtered in the houses and has its blood applied to both doorposts and on the lintel, instead of at the [central] altar (Ex. 12:7)?<sup>7</sup>

<sup>6</sup> See Kautzsch, *Abriss der Geschichte*, 190.

<sup>7</sup> [This instance is so mentioned in Ex. 12:7, which according to Wellhausen, is right in the middle of the passages assigned to PC].

The scriptural passages belonging to the PC according to Wellhausen, are: Gen. 1:1-2, 4a; ch.5 (except v. 29); 6:9-22; 7:11; 7:13-16a; 7:18-21; 7:24-8:2a; 8:3-5; 8:13-19; 9:1-17; 9:28-10:6; 10:20; 10:22; 10:31-32; 11:10-32 (except v. 29); 12:4b-5; 13:6; 13:12; 16:3; 16:15-17:27; 19:29; 21:1b; 21:2b-5; ch.23; 25:7-19 (except vv. 11b and 18); 25:26b; 26:34-35; 27:46-28:9; 31:18; 35:9-15; 35:22b-29; 36:6-8; 36:40-37:2a (until *ya'aqov*); 46:6-27 (8:27 less sure); 47:5-11; 47:27-28; 48:3-7 (v. 7?); 49:28 (?); 49:29-33; 50:12-13. ~ Ex. 1:1-5; 1:7 (without *wa-yirbu wa-yaf'atzmu*); 1:13-14 (without 14a, 2nd half); 2:23-25; 6:2-7:13; 7:19-20; 7:22-23; 8:1-3; 8:11b-15; 9:8-12; 12:1-20; 12:28; 12:37a; 12:40-41; 12:43-13:2; 13:20; 14:1-2; 14:8b-9 (without *kol* until *we-chello*); 14:10 (from *wa-yit'azu*); 14:15 (without *mah-tit' aqelai*); ch.16 (without vv. 4-5; 13b-16a; 18b-21; 27-30; 35b; as well as vv. 6-8 and 36 that were inserted by the Redactor); 17:1 (until *bur'phudim*); 19:1-2a; (20:11 by the Redactor); 24:15b-18a; 25:1-31:17; (31:18?) 34:29-32; (34:33-35?); 35:1-40 ending. ~ Lev. entirely; ~ Num. 1:1-10:28; 13:1-17a; 13:21; 13:25-26; 13:32 (until *hu*); 14:1a; 14:2a; 14:5-7; 14:10; 14:26-29 (28-29?); 14:34-36; 16:1-2 (2 partly); 16:8-11; 16:16-22; 16:35; 17:1-20:1a; 20:2; 20:3b; 20:6; (20:9?); 20:12; 20:22-29; (21:4a; 21:10-11?); 25:6-31:54; 32:16-19 (except *chamushim* [must be: *chushim*] in v.17); 32:24; 32:28-33; 33:1 to the end of Num. ~ Deut. 32:48-52; 34:1a; (34:7a?); 34:8-9. ~ Josh. 4:19; 5:10-12; 9:17-21; 15b (27, *lu'cedah* by the Redactor); 13:15-33 (secondary); 14:1-5; (3 sec.); 15:1-12; 15:20-16:8 (except 16:1-3 and some others); (16:9 by the Redactor); 17:1-4; 17:7; 17:9 (except *'arim* until *'arei menasheh*); 18:11-25; ch. 19 (except vv. 47 and 49 ff. and some others); ch. 20; 21:1-42; 22:9-34.

Wellhausen and his school furthermore distinguish the original laws of P which belong to the original core (which Wellhausen calls Q = *quatuor foederum liber* \*. Others call it P2 or Pg), from the other partly older and partly younger parts. According to him the passages originally belonging to Q are: in Gen. all the passages belonging to P. ~ Ex. 25:29. ~ Lev. ch. 9; 10:1-5; 10:12-15; ch.11-15 with exceptions; ch.16. ~

- 6) In addition to this, Num. 9:1-14, which describes the Pesach of the second year, does not mention at all that this sacrifice was prepared in the Tent of Meeting. Dillman could therefore note in his Commentary on Num. 9:14: "The notion that this second passover sacrifice is slaughtered at the Tent of Meeting rather than near the tents, is not suggested by the text. This conclusion may be reached at best through a combination with Lev. 17." Lev. 17, however, belongs to H [the oldest part of PC] and therefore it can have no implications for Pg [which is later!].

Compare to this how especially Deuteronomy stresses the celebration of Pesach at the central Sanctuary. Deut. 16:5-7 states: "Thou mayest not sacrifice the passover-offering within any of thy gates, which the Lord thy God giveth thee; but at the place which the Lord thy God shall choose to cause His name to dwell in, there thou shalt sacrifice the passover-offering at even, at the going down of the sun, at the season that thou camest forth out of Egypt. And thou shalt roast and eat it in the place which the Lord thy God shall choose; and thou shalt turn in the morning, and go unto thy tents." One might almost think that, contrary to this, the PC - which records the Pesach sacrifice as being prepared at the houses - should show emphatically that this sacrifice could only be prepared at the central Sanctuary. In fact, in King Josiah's time, after the Book of Deuteronomy had been read publicly, the Pesach festival is celebrated at the central Sanctuary by all of Israel again for the first time after an interruption of many years. "For there was not kept such a passover from the days of the judges that judged Israel, nor in all the days of the kings of Israel, nor of the kings of Judah" (II Kgs. 23:22). One can see here how much weight, at least since Josiah's time, is attached to having the *pesach*, this very important national-family sacrifice, be sacrificed by the entire people jointly at the central Sanctuary. And then it would have been the PC that abolished this old and hallowed custom after the Exile and commanded to have the *pesach* sacrificed in the houses: the very same author who, according to the critics, willfully refrained from mentioning the sacrifices of the Patriarchs in order not to cause damage to the notion of centralization of the cult!

- 7) But does the PC really allow for the Pesach to be slaughtered in the houses, far from the Sanctuary, and for the blood to be applied to the door posts? According to the new critics this should absolutely be assumed. For them the historical narrative in the PC is only

---

Num. 1:1-16; 1:48-3:9; 3:15-10:28; ch.13 partly; ch.16 partly; ch.17; ch.18; 25:6-19; 26; 27; 32 (partly); 33:50 until 36:13. ~ Deut. 32-34 partly.

[\* Barishansky, the Hebrew translator, explains: Wellhausen calls the ground source of the PC "Book of the Four Covenants" ("Das Vierbundesbuch") or Q = quatuor ("four" in Latin), since, according to him it contains four covenants: Gen.1:28-30; 9:1-17; ch.17; Ex.6:2 ff. Kuenen (*Eintl. in A.T.*, p. 62), however, disagrees be-cause the words in Gen.1:28 do not constitute a covenant but a blessing. Kuenen calls this particular source within the PC, "P<sub>2</sub>".] Wellhausen and his school consider it canonical that the legislative part of Q always remains within the historical framework. The sequence of the laws is historically motivated. Those P-laws that break up the historical continuity, are not or not for sure considered to be part of Q by this school.

fiction through which the author wants to lend validity to his legislation as being Mosaic and according to which at the time of the Exodus the Israelites in Egypt did not prepare a Pesach sacrifice at all. Anyhow, when in spite of this, the legislator in Ex. 12 meticulously describes the procedure of this sacrifice in Egypt, then this can only aim at regulating this as a divine ordinance for all times.

Dillmann too (an opponent of the newest critical school) <sup>8</sup> says (Comm. on Exodus and Leviticus, 1897, 1201): "One does not have the least right to assert that the author wanted to lay down some of the customs related to the celebration (e.g. vs. 3 or 11) or even the whole family home celebration, only for Egypt. His entire method of finding possible connections of current practices with certain historical instances argues against this, and nothing can be read either in v. 43 ff., or in Lev. 23 or Num. 9, concerning a change of the above mentioned regulations. It is beyond any doubt that according to P as well as J (v. 24) the passover sacrifice would remain a home sacrifice in the future too." <sup>9</sup> In that case Wellhausen's hypothesis is untenable, since the assumption that a post-exilic or even a post-Josianic author would have the Pesach sacrifice prepared outside of Jerusalem is impossible. <sup>10</sup>

- 8) "God has made His Torah upright, but they have sought out many tricks," one can say paraphrasing Eccl. 7:29. An unassuming reader of the Torah will not find any contradiction on this issue between the earlier books of the Bible and Deuteronomy. Indeed, the Pesach sacrifice was commanded as a home celebration in Egypt, and the simple phrasing

<sup>8</sup> [Dillmann's opposition to the Wellhausen biblical criticism did not make him into an opponent of the Documentary theory per se. He could rather be characterized as a moderate. EJ 6:48 informs us: "He held that there were three independent sources in the Pentateuch (P, E and J), and argued for the existence of an independent Deuteronomistic source based on E. Unlike many higher biblical critics of his day, he maintained the priority of a pre-Exilic P over D. His posthumously published *Handbuch der alttestamentlichen Theologie* (1895) rejected J. Wellhausen's philosophy of the development of Israel's religion and maintained that the religion of Israel, which was centered on holiness, was unique in the ancient world."]

<sup>9</sup> If, however, Baentsch (a Wellhausenian) thinks, in his Commentary on Exodus (p. 91), that it is likely that (also according to P) after the establishment of a sanctuary and an altar the blood of the Pesach sacrifice belonged on the altar and not at the houses - he thus puts himself into opposition to his critical school according to which P would have given the laws, which it introduces historically, for all times. Cf. Wurster in ZATW, 1884, p. 120, note 1.

[Paul Wurster, "Zur Charakteristik und Geschichte des Priestercodex und Heiligkeitgesetzes," ZATW 4(1884): 112-133. Wurster states on p. 120: "The one who revised the laws in Lev. 7-26 (H) in the spirit of Q, rightfully took offence to the precept in v. 3 ff. that every slaughter should at the same time be a sacrifice, as according to Q in the commandments given to Noah in Gen. 9:22 ff. permission was given already for profane slaughter." To this he adds in his note 1: "The argument (Dillman, *Comm. 2. Ex. u. Lev.*, p. 535; Kittel, *Theol. Stud. aus Württemberg* II, 1881, p. 43) that in accordance with Q the prohibition of Gen. 9:22 ff. is no longer relevant for Mosaism is totally in error. How the entire character of Q is misconstrued! Just as the Sabbath commandment of Gen. 2, the regulations with regard to the consuming of blood in Gen. 9, circumcision in Gen. 17, the Pesach offering in Gen. 12, are purely provisions without any connection to the Tent of Meeting and the Aaronides, yet remained in force after the revelation at Sinai, the same applies to Gen. 9:22 ff.]

<sup>10</sup> In Ex. 12:24, *hadavar hazeh*, the whole procedure for preparation of the Pesach sacrifice is commanded as an eternal ordinance. Dillmann remarks in this respect: if *hadavar hazeh*...concerns all of vv. 21-23, then v. 22 cannot be separated from this passage. Clearer yet than in P, the home celebration of passover and the application of blood on the doorposts and lintel of the houses is stressed here as an eternally valid ordinance. The thought that the custom of sacrificing the passover at home only originated during the Exile (George, Graf) is even rejected by Kalisch (Lev. 11, p. 498) as being wrong.

of the ordinance is that it would remain so in the future as well. Later, however, when the Tent of Meeting was erected, God commanded that no more slaughter of cattle and small stock was permitted, except for the animal that was to be sacrificed at the Tent of Meeting (Lev. 17:1 ff.). Therefore it is by definition prohibited to sacrifice the Pesach at home. It had to be prepared at the entrance of the Sanctuary and the blood be sprinkled on the altar. Obviously, the Pesach sacrifice of the second year, mentioned in Num. 9, was prepared at the Sanctuary, like all sacrifices. Only in this way can one understand the provision that the person who is *bederekh rechoqah* (i.e. far from the Sanctuary) should bring the Pesach sacrifice on the 14th day of the second month. Furthermore, it becomes clear why only in Num. 9 the failure to do so is punished by *karet*, while the punishment for consuming *chametz* is already decreed in Ex. 12:15. Besides, only the failure to bring the national sacrifice at the central Sanctuary resulted in such severe punishment, not simple negligence with regard to domestic festivals.

After the prohibition to sacrifice outside the Sanctuary was lifted in Deut. 12:22 ff., however, the idea could gain ground that it would once more be possible to celebrate Pesach at home, as in Ex. 12. Therefore this is specifically prohibited in Deut. 16:5 ff. and measures are taken that in Palestine, too, the Pesach sacrifice should only be brought within the central Sanctuary. It is easily understood how this regulation was neglected after the emergence of the *hamot* [altars; high places] and only in Josiah's time, through the destruction of the *hamot*-cult, could this deuteronomic law be reinstated. The way the Wellhausenian school explains the phenomenon that the PC, according to which the unity of the Sanctuary must have existed from the earliest times on, yet chooses for the Pesach sacrifice such a legislative form, that already for this important religious act the principle of unity of the Sanctuary was breached - creates a question to which they may forever fail a satisfactory reply.<sup>11</sup>

<sup>11</sup> Some claim that according to P the Pesach should not be a sacrifice at all and might therefore be prepared in the home. Apart from the fact that this is an absurd assumption, it is a rite which according to the hitherto existing books of law (the Covenant Books and Deut.) had a sacrificial character and, then suddenly (kindly obliging the criticism), was stripped of its sacrificial character by the PC. Yet in Num. 9:7, 13 (in a P-passage, even though according to some secondary), the Pesach is explicitly called *qorban hashem*, and also in Ex. 12:10, 43, 48 through the ordinances that nothing thereof should be left until the following morning and that no strangers nor the uncircumcised should eat from it, the sacrificial character of the Pesach is amply documented. Kuenen (*Eint.*, 281) is of the opinion that: "The view that P turns the Pesach meal into a family ceremony is not correct. Already in Ex. 12, even though there the Pesach of the Exodus is in the foreground, a *muqra qodesh* is prescribed for the 1st and 7th day of the Feast of Matzot... Dillmann's assumption that only because of the attempts at centralization P's Pesach meal was postponed to a later period in the Temple city is contradicted by Num. 9:7, 13 where the [sacrificial] lamb is called *qorban hashem*. Dillmann cannot seriously have meant to declare that such a *qorban* could have been brought 'wherever'." Thus Kuenen. We take note of the concession that P, as post-exilic legislator, could not possibly have decreed that the passover could be brought anywhere as *qorban hashem*. But P decrees exactly this (in Ex. 12); consequently it is impossible that P would be post-exilic. When Kuenen thinks, however, that in Ex. 12, too, with the decree of *muqra qodesh* an "assembly of the people at the united sanctuary" was ordered, he has totally misunderstood the expression *muqra qodesh*. Lev. 23:3 prescribes after all, for the Sabbath as well, a *muqra qodesh*. Should in that case the people make a pilgrimage to the Sanctuary every Sabbath? Only *chag* means pilgrimage to the Sanctuary in P, *muqra qodesh*

- 9) The same may be the case with regard to another question, the one concerning the slaughter of animals for meat consumption.

### **The slaughter of animals for meat consumption**

- With regard to this<sup>11a</sup> we will first of all consider the passage Deut. 12:20 ff. which says: "When the Lord thy God shall enlarge thy border, as He hath promised thee, and thou shalt say: 'I will eat flesh', because thy soul desireth to eat flesh, thou mayest eat flesh, after all the desire of thy soul. (21) If the place which the Lord thy God shall choose to put His Name there be too far from thee, then thou shalt kill of thy herd and of thy flock, which the Lord hath given thee, as I have commanded thee, and thou shalt eat within thy gates, after all the desire of thy soul." This passage assumes in any case that until then the slaughter of animals for meat consumption was prohibited unless the same animal was brought as a sacrifice for God; or, as R. Ishmael puts it (Hullin 16b): that *basar ta'awah* was prohibited. But where ever can such a prohibition be found?

Until modern days all exegetes explaining this passage in Deuteronomy agreed that it refers to the prohibition given for the desert in Lev. 17 (cf. e.g. Knobel on Deut. 12:20 ff and Schultz on v. 16). Wellhausen of course, cannot admit this, for such a concession would undermine his hypothesis if not bring it down altogether. Once it has been demonstrated that Lev. 17 is older than Deuteronomy, the view that the PC would be post-exilic can only be maintained with difficulty; if at all. The deuteronomic passage quoted is therefore not based on the wilderness legislation in Lev. 17, but on another clearly ancient custom.<sup>12</sup> Wellhausen (*Gesch. Isr.*, 18) wants to understand from I Sam. 14:32-35 that in ancient times it was prohibited to eat meat without returning its blood to God.<sup>13</sup> He renders the event related in

---

never does. But only the 15th of Nisan and no other day of the Pesach festival is called *chag*. But also the term *chag* is only intelligible if one knows the explanation from the other sources: the Book of the Covenant and Deut. For Kuenen too nothing else remains but the supposition that Ex. 12 only decreed a Pesach festival for Israel when in Egypt. But then we call to him, with Wurster (ZATW 84, 120): "How the entire character of Q is misjudged!" It should be noted by the way, that P does not prescribe a pilgrimage to the holy city for the Three Festivals at all. How can this be compatible with the view that P is a post-exilic work?

<sup>11a</sup> [See on this issue Jacob Milgrom, "Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy," *HUCA* 47(1976): 1-17. This study analyzes the various terms applying to slaughter and sacrifice, i.e. *zabach* and *qurban* and explores their character in the texts where they appear. These are in part the same passages Hoffmann treats. Milgrom accords a pre-exilic date to Deuteronomy; not Mosaic, of course, but rather 8th c. BCE. Supplementing this study and also of interest in relation to Hoffmann's position is Herbert Chanan Brichto, "On Slaughter and Sacrifice, Blood and Atonement," *ibid.*, pp. 19-55. Relevant here is especially the comparison between the approaches of Wellhausen and Yechezkel Kaufmann.]

<sup>12</sup> Graf mentions this "old custom" for the first time in his "Zur Geschichte des Stammes Levi" in *Merx' Archiv für wissenschaftliche Erforschung des A.T.'s*, 1867, 81 f.

<sup>13</sup> [See however p. 81-82 Soncino Books on the Bible: Samuel - S. Goldman, 1966(1951). The passage reads in full: "32. And the people flew upon the spoil, and took sheep, and oxen, and calves, and slew them on the ground; and the people did eat them with the blood. 33. Then they told Saul, saying: 'Behold, the people sin against the Lord, in that they eat with the blood'. And he said: 'Ye have dealt treacherously; roll a great stone unto me this day'. 34. And Saul said: 'Disperse yourselves among the people, and say unto them: Bring me hither every man his ox, and every man his sheep, and slay them here, and eat; and sin not against the Lord in

these verses as follows: "When after the battle of Michmash the people, tired and hungry, fell upon the cattle they had taken, and began to devour the flesh with the blood (that is, without pouring out the blood on the altar). Saul caused a great stone to be erected, and ordered that every man should slaughter his ox or his sheep there. This was the first altar which Saul erected to God, adds the narrator". Thus Wellhausen.

- 11) Here, however, an important part of the text has been omitted. The text reads [v. 35]: "And Saul built an altar unto the Lord; the same was the first altar that he built unto the Lord." In omitting the phrase "and Saul built an altar unto the Lord" the reader is made to believe that "the same was the first altar that he built," refers to the big stone on which the slaughter had taken place. But according to our text the building of the altar had nothing to do with the slaughter of the animals mentioned before. That took place only later and was probably meant to immortalize the victory won over the Philistines (cf. Ex. 17:15, and I Sam. 15:12).<sup>14</sup> According to the narrator as well the stone that the people rolled unto Saul could not count as an altar built by Saul. It is, moreover, clearly stated there that the transgression of the people did not consist of the slaughter for profane purposes. It is called simply [v. 33] "Behold, the people sin against the Lord, in that they eat with the blood." But it is clear that this is the very same prohibition as the one stated in Lev. 19:26: "Ye shall not eat with the blood; neither shall ye practice divination nor soothsaying."<sup>15</sup> What a forced interpretation it is to explain *lo' to'khlu 'al ha-dam* as: "Do not eat, without pouring the blood on the altar." This interpretation emphasizes the main concern; as it does not say here at all that the blood belongs on the altar.<sup>16</sup> Above all, the law in Lev. 17 only expresses the prohibition regarding

---

eating with the blood'. And all the people brought every man his ox with him that night, and slew him there. 35. And Saul built an altar unto the Lord; the same was the first altar that he built unto the Lord." The commentary to v. 32 is noteworthy. *The spoil*. The Philistines had brought live cattle with them as provisions, and the Israelites slaughtered them as food. *Did eat them with the blood*. In transgression of the commandment, *Ye shall not eat with the blood* (Lev. 19:26). But as the Talmud and Jewish commentators hold diverse views on the exact meaning of the prohibition there, so they disagree on the interpretation of the offence here and the nature of Saul's remedy. The Talmudic view is that the animals were consecrated as peace-offerings, but were eaten before the blood had been sprinkled; Saul therefore set up an altar-stone so that the blood might be poured on it. Ralbag holds that the sin was that of eating in the very place where the blood had been poured out (a heathenish practice), and that Saul insisted on slaughtering by the stone so that the animal would be consumed in a place other than that in which the blood had been shed (so also Ehrlich). According to Kimchi, the offence was that they slew the beasts on the ground, with the result that the blood could not drain away properly. Segal's interpretation seems best to meet all the circumstances. The people were so famished that they ate the meat before there had been time for the blood to drain away (all the indications are that the meat was eaten raw - not an uncommon practice in those days); Saul therefore set up a stone as an altar and gave orders that the animals were to be brought as sacrifices, so that the full ritual of sprinkling the blood might be observed. Unless the stone had been used as an altar, there would be little reason for the statement in v. 35 in this connection".].

<sup>14</sup> It simply won't do to erase the words "And Saul built...unto the Lord" as both the LXX and the Peshitta have these words and even add "there" after "and he built". Also, in his work *Der Text der BB Samuelis* (1871), Wellhausen did not criticize this verse at all and neither did Kautzsch.

<sup>15</sup> In addition we see here that already in Saul's time "the eating of the blood" constituted a grave sin; while according to the newest critical school this prohibition contained in H was recorded only after the Exile!

<sup>16</sup> When, among the many explanations our Sages give on *lo' to'khlu 'al ha-dam*, there is also one according to which it means: "not to eat and still the blood belongs on the altar," then we may assume, following Lev. 17, in



slaughter with the purpose of shedding blood (*dam shafakh*, v. 4). Meat consumption is not mentioned at all in this passage. Moreover the connection with "neither shall you practice divination" speaks for it that in "you shall not eat with the blood" we have a prohibition of a superstitious custom. Concerning this Maimonides (*Moreh* III. 46), Nachmanides and others have already declared that many heathens partook of a meal of meat and blood in the belief that through the act of leaving the blood for the demons, one could establish contact with them and thus get to know the future.

- 12) Therefore Ez. 33:25 considers "Ye eat with the blood" (*'al ha-dam to'kheilu*) as one of the transgressions equal to idolatry. According to Wellhausen's explanation this would have been totally incomprehensible as in that time it was already permitted to slaughter in any location through the deuteronomic law.<sup>17</sup> It is also clear that Saul only prohibited the consumption with the blood and consequently ordered everyone to slaughter at the big stone near him (*u-shechatetem hazeh*, [14:34]) and thereafter to consume the meat within the camp, so that they would not eat with the blood.

Wellhausen furthermore asserts that the prohibition on consuming meat other than sacrificial meat, must have existed until the time of King Josiah. There is, however, not the slightest trace of such a prohibition. But many passages can be produced demonstrating that no one had even thought of such a prohibition. Abraham prepares a young calf for his guests without any hesitation (Gen. 18:7). Jacob brings his father two prepared young goats (Gen. 27:9). Joseph has animals slaughtered for his brothers (Gen. 43:16). David consumes the sheep prepared and sent to him by Abigail (I Sam. 25:18, 35), and Saul eats the calf slaughtered by the witch of En Dor (I Sam. 28:24); also the oldest law (in Ex. 21:37) considers slaughter as sinful only when it concerns stolen livestock.<sup>18</sup> Imagine now the absurdity of the assertion that for centuries a prohibition on meat consumption would have existed in Israel; such that the Deuteronomist in the time of Josiah considered it necessary to abolish this prohibition with detailed arguments!<sup>19</sup>

---

the wilderness every slaughter must have been a sacrifice, and therefore the Torah tacitly implies a sacrificial meal. Consequently the Talmud in Zevachim 120a can also understand I Sam. 14:33 f. as referring to a sacrificial meal, because according to this passage the verse refers to Lev. 19:26. Only for the newest criticism, according to which at the time of the author of the Samuel pericope the law in Lev. 19 had not yet been written down, is such an explanation inadmissible.

<sup>17</sup> If furthermore the prohibition *lo' to'khlû 'al ha-dam* refers to the slaughter for profane purposes than it is still dependent on the prohibition with regard to blood. Since this prohibition on blood also applies to venison and fowl (Lev. 7:26; 17:14) then the prohibition on slaughter should equally apply to venison and fowl; but even Deuteronomy assumes that deer and gazelle may be slaughtered anywhere (Deut. 12:15; 22), just as Lev. 17:13 prescribes for venison and fowl only that the blood be covered with dust [*'afar*]

<sup>18</sup> The daily meal of King Solomon too, as described in I Kgs. 5:3 hardly consisted of sacrificial animals; since these could not be eaten in an impure state (Deut. 12:15).

<sup>19</sup> Cf. Bredenkamp, *Gesetz u. Propheten*, 134.

- 13) Nevertheless the vague assumption that every slaughter in ancient Israel must have been a sacrifice belongs to the permanent stock of the Wellhausenian school. It has become a dogma since the entire existence of the hypothesis rests on it. Thus e.g. Steuernagel says concerning Deut. 12: "In ancient days 'slaughter' and 'sacrifice' were identical concepts (both *zewach*), at least every slaughter of *tzon* and *baqar* was at the same time a sacrifice and had to be so (I Sam. 14:32 ff.)." Baentsch likewise (*Exod. u. Lev.*) remarks with regard to Lev. 17: "According to ancient Semitic and ancient Israelite tradition every slaughter was a sacrifice and must therefore always be performed at the nearest cultic site (possibly on an improvised altar; I Sam. 14:32 ff.)." <sup>20</sup> Smend (*Alttestamentl. Rel.-Gesch.*, 140, note 3), who also considers it an uncontested dogma in the text that: "In general every slaughter was a sacrificial meal;" yet at least in a footnote he makes allowances for the fact that in the narrative on the Patriarchs, but also in historical times often by way of exception the slaughter was not a sacrifice and that it should also be doubted whether an actual offering of blood was intended. As evidence for this exception he refers to Gen. 18:7; 27:9; 14; Judges 6:19; I Sam. 28:24. It should be noted that for the rule only one place (as we have demonstrated, not proving anything), I Sam. 14:32 is given: for the supposed exceptions Smend manages to present five places. Above we have quoted even more places. Still, sacrifice was supposed to be the rule and non-sacrifice the exception!

How do these critics explain the prohibition on slaughter in Lev. 17? Let us examine the doubtlessly most thorough researcher of this school, Abraham Kuenen. He says (*Eint. in A.T.*, p. 87): "Lev. 17:3-7 contains the provision that *all* cattle and sheep that the Israelites would slaughter should be brought to the Sanctuary in order to be prepared as a peace offering... This commandment could only be carried out as long as there were many Israelite shrines and everybody would have one nearby. Now, however, it was given with the one Sanctuary in view - possibly by someone who knew at least of the earlier conditions from tradition and sought to retain them."

- 14) On p. 255 Kuenen says: "Much more complicated is the question concerning the relationship between Deuteronomy and Lev. 17:3-7, prohibiting the slaughter of cattle and sheep except for peace offerings, and vv. 8-9, restricting sacrifice to the Tent of Meeting. Verses 3-7 contradict Deut. 12:15, 20-22, which explicitly allows slaughter for private use far away from the Sanctuary; Lev. 17:8-9, however, centralizes public worship in much the same way as Deuteronomy *passim* does. Did this one [Deuteronomist?] then abolish one precept in his legislation while accepting and confirming another? If this were so we should expect

---

<sup>20</sup> What a weighty statement which, on closer examination, for this thesis hardly possesses the thickness of a spider web.

him to refer to Lev. 17 or at least have some expressions in common with this chapter, but neither one nor the other is the case. More importantly, however, Deut. 12:8 totally precludes this relationship. If it had been known by Deuteronomy that Moses had already commanded the Israelites in the wilderness to worship only at one holy location (and surely this law would have been observed during Moses' life), it would not have pro-claimed it as something new and applying to future generations.<sup>21</sup> The question whether P<sub>1</sub> (H) can demand that all cattle and sheep be slaughtered at the one single Sanctuary has already been answered (p. 13). Whoever is not satisfied by this solution may assume that slaughter at "God's dwelling" in this place was decreed to the Israelites by Moses in the wilderness taking into consideration the circumstances that P<sub>1</sub>, by couching it in this manner, wants to make clear what God could truly demand even if it would not be His intention to implement this demand in full force under totally changed circumstances" - Thus Kuenen.<sup>22</sup>

With regard to Kuenen I must emphasize appreciatively that he is the only one to fully apprehend the impact of the questions by the critics on Lev. 17, and also has the feeling that in the face of these weighty questions he only knows to give vain pretexts. Kuenen could not look upon either of his two explanations as a serious and satisfactory answer. According to the first, a legislator holds on to an old custom even though he must be convinced of its infeasibility, when again according to the second the law set forth in stricter legal form with the threat of the punishment of *karet* considering it as a description of what God really can demand, but does not demand. Now this law is found, however, next to other laws, like the prohibition on blood *kisui ha-dam*, *neveilahu-tereifah* [Lev. 13-15], which are in any case also decreed for the present.<sup>23</sup>

- 15) In any case one must agree with Dillmann when he says (*EL*<sup>3</sup>, p. 585): "The assertion of a post-deuteronomic or indeed post-exilic composition of these pericopes is next to

<sup>21</sup> Kuenen (255) decidedly rejects the assumption that Lev. 17:3-7 follows the old national tradition according to which slaughter as a ceremonial act was admissible only at the sanctuary, i.e., the nearest high place (Hos. 9:4?). In order to be able to proclaim this, everything referring to one single sanctuary must be removed. "But (says Kuenen) this method is highly arbitrary; in this way one makes up laws at one's own discretion". (See also Kittel in *Theol. Stud. aus Württ.* II, 44 ff.).

<sup>22</sup> [J.H. Hertz, *The Pentateuch and Haftorahs*, Soncino: London, 1958, 486, comments on this passage: On Slaying Animals for Food - (Lev. 17:3) "*Killeth an ox*, evidently refers to a time when the slaughtering of animals for food was rare, and only at a family festivity or other formal gathering was meat consumed. During the wandering in the Wilderness the people lived on manna; and only exceptionally would it happen that an animal was slaughtered for consumption. Every such slaughtering had to be a sacrificial act; it had to take place at the Sanctuary; and it was deemed a peace-offering. In Deut. 12:20 f., the law is modified in anticipation of the fact that Israel would soon be spread over a large area; for the requirement that every animal killed for food should be brought to the Sanctuary could apply only when the entire Community lived in the closest proximity to it. According to the Rabbis this section refers only to animals intended as sacrifices - that they must not be offered except at the door of the Tabernacle."]

<sup>23</sup> Bredenkamp rightfully (p. 133) asks: "What is the purpose of this masterly concoction of totally worthless precepts for the present of the compiler, the transgression of which, in kind humaneness, is even punishable by death?"

absurd, because it could never have occurred to a legal compiler, with Deut. 12:15 ff. as an acknowledged law before him, to establish a commandment such as Lev. 17:3-7. (So also Kohler, *Bibl. Gesch.* 11, 2, p. 529, notes. See also Kittel in *Theol. Stud. aus Württ.* 1881, p. 41 ff., and my remarks in *MWJ* 1879, p. 3 ff.), <sup>24</sup>

It will be agreed that Deut. 12:15 f. and 20 ff. constitute an abolition of the prohibitions of Lev. 17:3 ff. When, however, Kuenen opines that it refers to this prohibition, it is really asking too much. When Moses permits something all his listeners had considered as forbidden till then, and he substantiates this permission with *ki-yirchaq mimcha ha-maqom* then he need not have quoted the prohibiting law which had now lost its validity. Incidentally, he leaves the prohibition on blood intact and impresses it on his listeners with the same expressions with which it is substantiated by Lev. 17. Compare Lev. 17:11 - "For the life of the flesh is in the blood..." and 17:14 - "For as to the life of all flesh, the blood thereof is all one with the life thereof for the life of all flesh is the blood thereof..." with Deut. 12:23 - "...for the blood is the life; and thou shalt not eat the life with the flesh". Equally Gen. 9:4 (P) - "Only flesh with the life thereof, which is the blood thereof, ye shall not eat". With regard to Deut. 12:8, however, we will demonstrate later in the chapter 'On Deuteronomy and P' that it is not in contradiction with P. Since Deuteronomy abolishes a law from Lev. 17, this latter chapter cannot be post-exilic in origin.

- 16) Nevertheless, the Wellhausenian school keeps a back door open when it denies the affiliation of Lev. 17 to the original core of P by trimming it of all expressions that are characteristic for P and in this way claims that P permits slaughter for meat consumption without sacrifice. <sup>25</sup> As quasi-proof for this, Wellhausen quotes Gen. 9:3 f. where in the Noachide commandments slaughter was permitted. As if Lev. 17 dated the prohibition on slaughter from the dawn of history rather than revealing it after the erection of the Tent of Meeting! <sup>26</sup> Besides in the above passage about the Pesach festival we already demon-

<sup>24</sup> With that Wurster (ZAW 84, 122 f.) is also 'sent packing'. He dates the prohibition on slaughtering in the time immediately following the Exile, after which all returnees lived in Jerusalem and its vicinity (cf. also Holzinger, *Eint.*, 447). As if the returnees would not have had the intention to spread out more, the prohibition was indicated as *chuqat olam le-dorotam* and not based on Deut. 12, where also the *ki yarchiv, etc.* is taken into consideration. And this would have been written by the same author who presupposes the complete expulsion of the Canaanites and conquest of the land by Israel (Lev. 18:25; 20:23 f.). The harmonizations of the apologetics leave far behind that which the critics of the modern school chose to ignore!

<sup>25</sup> The unheard of arbitrariness with which the 'School' (cf. e.g. Baentsch, his Commentary ad loc.) proceeds is even too much for Kuenen; comp. the quote above, p. 8 (14-15), note.

<sup>26</sup> As if the law in Lev. 17 itself [in v. 3] would protest against such assumptions, it directed the prohibition on slaughter only to *'ish 'ish mi-beth yisrael* thereby excluding strangers while further in v. 8 with regard to the prohibition on sacrificial offering outside of the sanctuary it says: "...Whosoever there be of the house of Israel, or of the strangers that sojourn among them..." the foreigner is included. It can absolutely not be the opinion of P that everything which was later prohibited by Moses, was already considered as prohibited in the time of the Patriarchs. Did Jakob not marry two sisters in spite of Lev. 18:18, and did Amram not marry his aunt (Ex. 6:20) in spite of Lev. 18:12?

strated that Ex. 12, which the Wellhausenian school reckons among the core of the Priestly document (Q), necessarily requires Lev. 17 as its supplement. We want to demonstrate the unity of Pg (Q) and the Holiness Code in a special section, however, since the violent tearing apart of these two parts of the Pentateuch constitutes one of the decaying supports on which the newest hypothesis concerning the Priestly Document rests.

### **The core of the Priestly Document and the Holiness Code**

Above (p. 3) we already expressed that according to the newest school an even older law had been worked into P, indicated by H (Holiness Code), the main parts of which are found in Lev. 17-26.<sup>27</sup>

- 17) According to Dillmann (*Comm. III*, 640) and others it is characteristic of these Holiness laws, "that the call for holiness, which in the Covenant Book, in Ex. 22:30 constitutes merely one commandment among many others, developed into a leading point of view. The purity stipulations as well as the rules regarding the treatment of offerings and gifts are placed in relation to this." Only by removing this Holiness Code from the alleged core of the Priestly Document has it become possible for the newest school to devise a characteristic of Q (Pg) in such a way that it appears exactly desirable for the tenability of the entire hypothesis.

It is not in agreement with the critics' premise of P being purely a priestly and liturgical [*Kultus*] law, that in Lev. 17-25 an uncommonly large number of moral and legal commandments is found. Holzinger (*Eint. in Pent.*, 417) feels compelled to make the following concession: "Ph (his designation of H) represents the entire moral and humanitarian spirit of the Covenant Book and Deuteronomy. There is no lack of direct links with the moral laws of IE and D., especially ch. 19 is throughout on the same level as the other moral laws, indeed, in Ph they occasionally even seem improved: compare e.g. 19:15 with Ex. 23:3. As evidence that Ph is influenced by the Covenant Book, Baentsch (p. 110) examines e.g. Lev. 19:15; 35; 20:9; 24:15; 17: 19; 20 (25:3), as compared with Ex. 23:3; 21:17; 22:27; 21:12:

<sup>27</sup> According to Wellhausen the following pericopes belong to H: the core of Lev. 11; ch. 17-26 with many changes and revisions, i.e., everything which reminds one of Q should be ascribed to a revising hand; lastly Num. 15:1-41, similarly revised. According to Kuenen the following pericopes belong to H (which he calls P1): Lev. 11:1-23; 41-47<sup>a</sup>; Lev. 17<sup>a</sup>, 18, 19<sup>a</sup>, 20, 21 partly, 22 partly, 23:9-22<sup>a</sup>; 23:39-43<sup>a</sup>; 24:15-22; 25 partly; 26 all; Num. 15:37-41; 15:1-36 which is also older than Q (<sup>a</sup> = with a few changes). Dillmann calls the Holiness Code S (= Sinai Codex) To this would belong: parts of Lev. 17-26; Ex. 31:13 f.<sup>a</sup>; Lev. 5:1-6; 21-24a; some of Lev. 11; Num. 10:9 f.; 15:38-41; (possibly some of Lev. 13 f.; Num. 5:11-31; 15:18-21). In conclusion we give the contents of H according to Driver, Lev. in SBOT (quoted by Strack, p.40): Lev. 1 0:10, 11; 1 1:2b-23, 41-47; 1 7:3 until 'az, 4 without 'el petach 'ohel mo'ed, 5 and 9 the same, 7a, 8, 10-14; 1 8:2b-30; 1 9:2 from qadoshim -20 (without 8b), 23-37; 2 0:2 from 'ish -27; 2 1:1 from le-nefesh -10a me'echaw, 10b-12a, 13-15, 17b (without le-dorotam)-21 (without aharon ha-kohen), 22 only lechem 'eloqaw yo'khef, 23; 2 2:2a from wa-yinazru, 2b only 'ani hashem, 3 from kol 'ish -16 (3 zera' without suffix, 4 without aharon), 18b-25, 27-33; 2 3:10 from ki -12, 15-18 (without shiv'at until we-niskehem), 19b, 20 (without 'al shnei kevasim), 22, 39a from be-aspekhem, 40-43 (without 41b); 2 4:15b, 16a until yumar, 17-21; 2 5:2 from ki -9a, 10 until lakhem, 13-25 (without 16 and 23); 35-40a, 43, 47, 53, 55; 2 6 all. Possibly (e.g. Driver, Einl.) also Ex. 6:6-8; 1 2:12, 13; 3 1:13, 14a; Num. 1 5:37-41, 3 3:52, 53, 55, 56.

21:23 f. (23:10 f.): the spirit of the Covenant Book governs in ordinances like Lev. 22:28 (cf. with Ex. 23:19) or 25:25 ff.: spiritual as well as material affinity is present in Lev. 18:23 (cf. with Ex. 22:18); 25:35-38 (cf. with Ex. 22:24); 25:14 (cf. with Ex. 22:22 [?]; 19:20 (cf. with Ex. 22:15 f. [?])

- 18) It should also be pointed out that even the *Kultus* law is occasionally employed in a humanitarian way (25:1-7) as in Deuteronomy. If Deuteronomy contains the greatest and most important commandment it must not be forgotten that to the priestly Holiness Law belongs the other, that everyone is equal: "Thou shalt love thy neighbour as thyself" (19:18)" - We add to this that this commandment also extends to the foreigner (19:34) - What then remains of the alleged priestly caste spirit in the Priestly Code? - Naturally, therefore, this corpus must be separated from P. In order to be able to describe a blossoming tree, full of fruit, as dry wood, one imagines first all fruit picked, all leaves shaken off, all life juices squeezed out, and then one screams: Look at this dry tree trunk!

The main reason for separating H from Pg is that some expressions and figures of speech occur in it which are ostensibly not found in Pg. I say *ostensibly*, as most of them are found actually in pericopes which were before designated to the *Grundschrift*, without any hesitation; but now as it suits them better to separate H from Pg, the critics have decided to declare most of these passages in the *Grundschrift* as parts of H or as later revisions. I want to present some examples hereto: the refrain '*ani hashem* or '*ani hashem eloqeikhem*, etc. is regarded as one of the main characteristics of H. This formula, however, is also found in Ex. 6:2; 6 (as an introductory formula); but also as closing formula in Ex. 6:8; 12:12; 29:46; Num. 3:45; 10:10; 15:41. A second formula is '*ish 'ish*: also found in Lev. 15:2; Num. 5:12; 9:19; compare further Ex. 36:4; Num. 1:4; 4:19; 49. A third formula, *nasa' 'awon* or *nasa' cher'* also often occurs elsewhere: Ex. 28:38; Lev. 5:1; 17:7; 18; 10:17; 16:22; Num. 5:31; 9:13; 14:34; 18:1; 23; 32; 30:16. Other expressions are either *hapax legomena* or occur in H also only in a single chapter or in such few passages that these cannot be labeled as characteristic features of a text.

- 19) Thus *damav ho* or *demehem ham* occurs only in Lev. 20: '*achal le-sov'a* only twice, *zavat chalav u-d'vash*, *mizbach hashem* only once; *damah* in three places, only with regard to sexual offences. One can go through Holzinger's (p. 411 f.) entire index of stylistic and formal peculiarities in H without finding in it the slightest proof that H would form a part of Pg and that it belongs to one and the same author. Thereby it should be noted that exactly the pericope of Lev. 19, which stands out because of the oft recurring refrain of '*ani hashem*, etc., as the introduction [Lev. 19:2], "Speak unto all the congregation of the children of Israel," shows and as the *torat kohanim* already notices, was meant to be recited in public. It contains exactly seven decalogues: 1) v. 2-8; 2) v. 9-12; 3) v. 13-16; 4) v. 17-19; 5) v. 20-28;

6) v. 29-32; 7) v. 33-36 (the Midrash Rabba starting with *qodashim* counts only six decalogues; Pesikta de R. Kahana 51b; also Heidenheim on *mar'ariv leil 'alefshel pesach*).

The few linguistic and practical differences can easily be explained through the diversity between the content of H and the other parts of P.<sup>28</sup> They are of little importance when compared with the many expressions and phrases which H and Pg have in common and which can only be eliminated through an arbitrary critical method in which all these numerous passages are declared to be a later revision.<sup>29</sup> A few examples will be given here: In Lev. 17:3 the words "in the camp, or that killeth it outside of the camp" (*ha-machaneh 'o 'asher yishchat michutz la-machaneh*) must be deleted, as 'the camp' is characteristic of Pg.<sup>30</sup> In v.4 (*'el petach 'ohel mo'ed*) unto the door of the Tent of Meeting" is an interpolation, as in vv. 5 and 9. Verses 6 and 7 again must be deleted altogether (being passages with Pg-expressions).<sup>31</sup> Likewise the beginning of 17:1-2 and the end of 17:15-16 would have been drawn from Pg. I just wonder, though, whether one is not entitled to designate to Pg a chapter of 16 verses in its entirety, in which we come across the language of Pg in 10 verses, rather than to find for this pericope a new compiler called H, only to declare after that 5 complete verses (1, 2, 6, 15, 16), 2 half verses (in vv. 3 and 7) and 3 times 3 words in 3 other verses for later additions and revisions?!

- 20) A similar chaos is brought about in ch. 21. As later additions (according to Pg) must be explained by the new critics: In v. 1 from *wa-yo'mer* to *we-'amartem 'aleihem*, "And the Lord said unto Moses: Speak unto the priests the sons of Aaron, and say unto them:" in v. 10 from *'asher-yutzaq* to *'et-hab'gadim*, "upon whose head the anointing oil is poured, and that is consecrated to put on the garments;"<sup>32</sup> in v. 12 the words *ki nezer shemen mishchat 'eloqaw*, "for the consecration of the anointing oil of his God is upon him:" then all of vv. 16 and 17a, and in 17b the word *le-dorotam* in v. 21 the words *'aharon ha-kohen* (as H could not yet have known of the Aaronide priesthood); in v. 22 the passage *miqodshei ha-qodashim u-min-ha-qodashim*, "both of the most holy and of the holy:" in 23 the words *ha-parochet lo' yavo' ve-'el*, "the veil, nor come near," are inserted; finally, of course, all of v. 24 is a later addition. Then once more we have 10 interpolations within 24 verses!!<sup>33</sup>

<sup>28</sup> See my *Commentary* ad loc. One will have the same experience when comparing e.g. the chapters on the building of the Tent of Meeting -Ex. 25 ff.- with the other parts of P.

<sup>29</sup> Prudent researchers like Dillmann and others grant at least that they have not found a satisfactory explanation for the occurrences presented there. - cf. Dillmann *NDJ*, 638 f.

<sup>30</sup> Why should a later interpolator have needed to insert these words?!

<sup>31</sup> Once more one cannot understand what a later person may have intended with these additions and why e.g. he thought it necessary to repeat *'el petach 'ohel mo'ed* four times.

<sup>32</sup> Again we ask what did the interpolator intend with this insertion and why is no such addition found e.g. in Num. 35:28 with "the high priest"?

<sup>33</sup> Occasionally the passages that were to be deleted were in fact accused of disturbing the context. They were in fact only deleted, however, since they form an obstacle for the preconceived theory, and by making all

In order not to accord to Pg any expression regarded as characteristic of H by the new critics, one is otherwise forced to eliminate all passages that decisively belong to Pg and assign them to H. Thus, according to Driver e.g. it is plausible to ascribe Ex. 6:6-8 to H, because of the repeated *'ani hashem* occurring there. Ex. 12:12-13 is judged similarly. Ex. 31:13ac and 14a too are claimed for H (whereby in the middle R inserted the words "for it is a sign between Me and you throughout your generations," *ki 'ot hi' beini u-veneikhem le-dorotam* which belong to Pg because of *le-dorotam*).<sup>34</sup>

21) But on the same grounds Ex. 29:46 too should belong to H, as indeed it does in Holzinger's table 13. Traces of H have further been discovered in Lev. 2, 5, 6, 7, 11, and 12: just sections which had earlier been ascribed to the *Grundschrift* in their totality. Num. 3:11-13 ends with "I am the Lord" and thus belongs likewise to H (Holzinger's table 14); strangely enough Num. 3:41, 45, which also has "I am the Lord," was overlooked there. Wurster, too, assigns the *sotah*-paragraph in Num. 5:11-13 to H (ZAW 1884, p. 125), just as from Num. 6 to Num. 10:9-10, ending with "I am the Lord your God," much would belong to H, while the preceding, because of the terms *'edah*, *benei 'aharon* and others, could only be ascribed to Pg. In Num. 15 again there are many passages showing characteristics of H but nearby also showing signs of Pg (vv. 17-21: 32-36: 37-41). The *tzitzith*-paragraph, vv. 37-41, in particular has all the peculiarities of H (*'atem zonim, we-heyitem qedoshim, 'ani ha-shem eloqeikhem*); but as it also has *le-dorotam* in v. 38, no one, despite the criticism, could have inserted this: thus consequently H also has *le-dorotam* like Pg, or rather, H and Pg are one and the same work. Finally Driver has also found traces of H in Num. 33 (v. 52 f.: 55 f.).

However, the above quoted signs stressing the unity of Pg and H do by far not comprise everything that is to be said concerning the identity of the compiler of both documents. There is still much that testifies to the unity of H and Pg which has so far been left dormant by the critics. The following should be noted. The entire festival legislation of Lev. 23 was available for the law of the festival offerings in Num. 28-29 (which is supposedly also

---

inconveniences vanish at one's pleasure the entire method seems like a literary magician's trick to the non-preconceived reader.

<sup>34</sup> See Holzinger's tables. In order to demonstrate the error of this whole critical enterprise I have to anticipate something at this point which will be worked out more extensively later on. All of Ex. 31:13 is quoted in Ez. 20:12 (cf. also v. 20). In order to see this clearly both passages should be put next to each other:

Ez. 20:12

Moreover also I gave them My sabbaths, to be a sign between Me and them, that they might know that I am the Lord that sanctify them.

v. 20 - And hallow My sabbaths; and they shall be a sign between Me and you, that you may know that I am the Lord your God

Ex. 31:13

...verily My sabbaths you shall keep: for it is a sign between Me and you throughout your generations; that you may know that I am the Lord that does sanctify you.

Ezekiel clearly states (v. 10 f.) that this is a commandment that God gave the Israelites in the desert after the Exodus from Egypt. And then still a new critic (cf. Holzinger table 13) has the nerve to declare this verse as having been compiled from two post-exilic documents!



compiled from Pg and H) and it is considered as a unified whole; also vv. 9-22 and 39-43 are given there (as against Wellhausen, *JfdTh.* 1877, p. 433). Then Num. 28:26: *be-haqrivchem minchah chadashah*, ("when ye bring a new meal-offering unto the Lord") refers to *we-hiqravtem minchah chadashah*, ("and ye shall present a new meal-offering unto the Lord") in Lev. 23:16 and in Num. 29:12, *we-chagtem - yamin*, ("and ye shall keep a feast unto the Lord seven days") is an almost literal quotation of Lev. 23:39 and 41.<sup>35</sup> *we-hiqravtem 'isheh lashem*, ("and ye shall bring an offering made by fire unto the Lord"), which occurs frequently in Lev. 23 (vv. 8, 25, 27, 36) prepares for the law of the festival offerings to be revealed later in Num. 28-29. The Pesach legislation in Ex. 11 (Pg) has one sentence in common almost literally with an H-passage. Compare:

22)	Lev. 23:41	Ex. 12:14
	And ye shall keep it a feast unto the Lord seven days	and ye shall keep it a feast to the Lord;
	in the year; it is a statute for ever in your generations;	throughout your generations ye shall keep
	ye shall keep it in the seventh month.	it a feast by an ordinance for ever.

The resemblance between these passages is striking. The words "and ye shall keep it" in Exodus seem to be original since they refer to the immediately preceding "this day [in the same verse], while in Lev. 23:41 "feast" must be related to the preceding v. 39 and only repeats the "and ye shall keep it a feast unto the Lord." Perhaps the expression has been borrowed from Exodus; on the one hand in order to point out the equal holiness of the festivals of Pesach and Sukkot, and on the other hand to stress the distinction that the latter is to be celebrated as a festival for seven days at the Sanctuary, while concerning Pesach only the first day is considered such a festival (Deut. 16:7).<sup>36</sup>

The idea that God dwells amidst Israel, runs equally through the Pg- and H-passages and likewise proves the unity of both parts. Ex. 25:8 (Pg) issues the commandment, "And let them make Me a sanctuary, that I may dwell among them" [*we-asu li miqdash we-shakhanti betokham*] which is repeated as a promise ["And I will dwell among the children of Israel, and will be their God...that I may dwell among them."] in Ex. 29:45 and 46 (H). In Lev. 16:16 it is said about the Tent of Meeting "so shall he do for the Tent of Meeting,

<sup>35</sup> The new school considers itself at liberty to count Num. 28-29 to the secondary components of P (Ps); only this auxiliary hypothesis of paragraphs of the Pentateuch that appeared even later than Ezra's time, is so unfounded that we need not take it into account.

<sup>36</sup> The law concerning the drink-offering (Num. 15:1-16) "is composed by the compiler (not the author) of the collection of Lev. 17-26" according to Wellhausen (*JfdTh.*, 1877, p. 447) Meanwhile in Lev. 23:18 "with their meal-offering and their drink-offerings" points directly to the law in Num. 15:1, which, apart from many others, speaks for the unity of both legislative groups. This law concerning the drink-offerings is, however, not only often presented in Num. 28-29, but also Num. 6:15; 17 refers to it and even Pg (Ex. 29:40) is aware of it (cf. also II Kgs. 16:15).

that dwelleth with them in the midst of their uncleanness," with which the presence of God among Israel is indicated at the same time. In Lev. 15:31 this thought is expressed with the words "when they defile My tabernacle that is in the midst of them:" as in Lev. 20:3 (H) in "to defile My sanctuary." The promise in Lev. 26:11 (H: "And I will set My tabernacle among you") is merely another variation of "that I may dwell among them" in Ex. 25:8. This concept is repeated with the same words in I Kgs. 6:13; Ez. 43:9; Zech. 2:14.

- 23) Moreover, as seen above (p. 8) the Pesach legislation needs Lev. 17 for its completion. But yet another Pg-passage assumes the prohibition on slaughter in Lev. 17 and is incomprehensible without it. In connection with the prohibition on fat we find in Lev. 7:24 the provision: "And the fat of that which dieth of itself [*neveilah*] and the fat of that which is torn of beasts [*tereifah*], may be used for any other service; but ye shall in no wise eat of it." Why would only the fat of animals that die by themselves and that of which is torn of beasts rather than that of all animals not ritually slaughtered be permitted for any service? This can only be explained from Lev. 17:3-6 according to which every slaughter should be a sacrifice and the fat be smoked on the altar, as has already been noted by Wessely. For this reason only the fat of animals that die by themselves and that which is torn of beasts can be used for any other service.<sup>37</sup>

Also connected with the prohibition of secular slaughter is that neither in H nor in Pg was the consumption of *neveilah* [and *tereifah*] prohibited for all Israelites. In Lev. 17:15 the one who eats of the *neveilah* is only obliged to purify himself ritually [by immersion and washing of his clothes]. Lev. 22:8 prohibits only the priests to eat *neveilah* [and *tereifah*], lest through it they defile themselves. Yet in Lev. 11:40 as well, the one who eats the meat of *neveilah* is only obligated to wash his clothes and Lev. 7:24 also prohibits only the consumption of the fat of *neveilah* and *tereifah*, not either the meat. Baentsch is correct then when he states (*Comm.*, p. 114) that H (but also Pg) limits the prohibition on *neveilah* and *tereifah* to the priests; the common Israelite and the stranger may eat of it and only have to undergo immersion and wash their clothes. This obvious fact, though, does not agree (Holzinger, p. 417) with the system of the new school, according to which in every place always an intensification in requirements can be observed, while in this case H and Pg permit something which was prohibited in Deuteronomy (14:21) and in the Book of the Covenant (Ex. 22:30). Holzinger thinks that in this precept one could imagine seeing an accommodation against poverty in later times. However, he prefers to argue this inconvenient occurrence away. He says: "But Lev. 17:15 does not appear to freely allow the people the consumption of the meat of animals that die by themselves and that of which

---

<sup>37</sup> Cf. *MWJ* 1877, p. 137 and my *Comment. zu Lev.*, p. 255.

is torn of beasts with the condition of a subsequent ritual purification."<sup>38</sup> But Lev. 22:8 by itself testifies likewise to this, just as Ez. 44:31. With regard to the issue of incisions and the bald patch [on the head] in connection with a dead body, we see likewise that that, which in H (Lev. 21:5) was only forbidden to the priests, in Deut. 14:1 is forbidden to all of Israel as a holy people, in agreement with Lev. 19:27 ff. Here too in any case, the system of the new criticism receives an enormous blow.

- 24) The precepts in H and Pg regarding *neveilah* and *tereifah* are in the first place linked to the prohibition on secular slaughter. When no other meat [but sacrificial] is permitted, which could only be consumed in a pure state and also could not always be obtained (as not everyone was able to bring a sacrifice) it was necessary to permit *neveilah* and *tereifah* for the common Israelite. In Deuteronomy, which permits secular slaughter and the Book of the Covenant as well, in which it is not yet forbidden, *neveilah* and *tereifah* could have been absolutely prohibited.<sup>39</sup> In any case the unity of H and Pg can be seen once again: so much so that Pg tacitly assumes the stipulations of H.<sup>40</sup>

If the result of the affiliation between H and Pg is as such likely to shake the entire modern hypothesis, then it is of even greater significance for the following examination on the relationship between Ezekiel and the priestly sections of the Torah.

### **The relationship between Ezekiel and the Holiness Code**

Never has such an obvious fact, supported by evidence, been challenged by men of science as the one that Ezekiel had made use of the H-document and that therefore H must necessarily be older than Ezekiel. Klostermann was the first to prove this clearly.<sup>41</sup> Later, without knowing Klostermann's work, I demonstrated this fact so clearly (*MWJ* 1879, p. 210 ff.) that I find it understandable that Dillmann (*EL*<sup>3</sup>, p. 583) characterizes the opinion that Ezekiel would be older than H, as a "thoroughly wrong hypothesis built on false critical principles." I should like to compile a body of evidence here, by combining my proofs with those of Klostermann, as well as by adding many new considerations, which (using for once an expression of Hitzig) would knock over even the strongest ox.

<sup>38</sup> But see my commentary *ad loc.*

<sup>39</sup> How this difference between Leviticus on the one hand and Deuteronomy and the Book of the Covenant on the other hand can be explained according to Jewish tradition, I have discussed in my *Comm.* on Lev. 17.

<sup>40</sup> It should be noted here that the new critics are not content with separating H from Pg, but (and their principles necessitate this) they assign several authors; because e.g. Lev. 18 contains the same laws as Lev. 20; Lev. 19:30 agrees literally with Lev. 26:2, and Lev. 19:9 ff. almost literally with Lev. 23:22. In this way they happily reach back to the old "wild" Fragments Hypothesis [i.e., the theory that the Pentateuch as we have it now consists of different fragments, each of which came into being independently, without any organic connection to the other and without any inner consanguinity.] [Some recent developments with regard to the relationship between P and H are presented by Israel Knohl, "The Priestly Torah Versus the Holiness School: Sabbath and the Festivals," *HUCA* 58(1987): 65-117. See esp. his treatment of the views of Wellhausen and Kaufmann.]

<sup>41</sup> *Lutherischen Zeitschr.*, 1877 - reprinted in his *Der Pentateuch*, 1893.

- 25) Ezekiel cites Lev. 26 the most, the promises of blessing as well as the threats of punishment, and it is quite certain from the meaning of prophet's words that he had this chapter of the Torah before him. We will first compare the promises for the future in Ez. 34:15 ff. with Lev. 26:4 ff.

#### Ezekiel, Ch. 34

25 And I will make with them a covenant of peace,  
and will cause evil beasts to cease out of the land  
25 and they shall dwell safely in the wilderness  
27 and they shall be safe in their land  
26 and I will cause the shower to come down in its  
season  
27 And the tree of the field shall yield its fruit, and the  
earth shall yield her produce,  
27 when I have broken the bars of their yoke,  
27 and have delivered them from the hands of those  
that made bondsmen of them  
24 And I the Lord will be their God - I the Lord  
28 but they shall dwell safely, and none shall  
make them afraid  
36:9-10 and I will turn unto [pamti] you - and I  
will multiply

#### Leviticus, Ch. 26

6 And I will give peace in the land and will  
cause evil beasts to cease from the land  
5 and dwell in your land safely  
4 then I will give your rains in their season  
4 and the land shall yield her produce, and  
the trees of the field will yield their fruit  
13 and I have broken the bars of your yoke  
13 that ye should not be their bondsmen  
12-13 and will be your God - I am the Lord  
6 and you shall lie down, and none shall  
make you afraid.<sup>42</sup>  
9 I will have respect unto [pamti] you and  
multiply you

One can clearly see how Ezekiel uses the promises of Leviticus with regard to the flocks and applies them to Israel. Therefore he starts with "and cause evil beasts to cease from the land," which is the most important one with regard to the flock, while in Leviticus this one follows only after other promises. Instead of "and dwell in your land safely," Ezekiel gives the corresponding "and they shall dwell safely in the wilderness," but later again he repeats "and they shall be safe in their land - but they shall dwell safely" (vv. 27-28). Later the prophet leaves the image of the flock with "when I have broken the bars of their yoke, etc." The borrowing in Ezekiel becomes even clearer when one sees that the other expressions found there are also taken from other preceding texts. Compare:

<sup>42</sup> Ezekiel also cites the introduction to the promises of blessing at another place. According to Ez. 20:19 God says to Israel in the wilderness: "walk in My statutes (*be-chuqotai*); and keep Mine ordinances (*mishpatai*), and do them" (see v. 21; 18:9), as in Lev. 26:3: "If ye walk in My statutes (*be-chuqotai*), and keep my commandments (*mitzwotai*), and do them."

Ezekiel

34:25 And I will make with them a covenant  
idem a covenant of peace  
34:22, cf. v. 28 and they shall no more be a prey  
34:29, cf. 36:30 and they shall no more bear  
the shame of the nations

Other places

Hosea 2:20 will I make a covenant with them  
Num. 25:12 My covenant of peace  
Num. 14:3 will be a prey  
Joel 2:19 and I will no more make you a reproach  
among the nations

These examples show that it may be assumed that in this chapter Ezekiel used other sources than H. of which otherwise no usage can be demonstrated anyhow. Even more than the promises of blessing Ezekiel made use of the threats of punishment in Lev. 26 which he quotes literally. See the following grouping:

Ezekiel

4:16; 5:16; 14:13: behold I will break the staff of  
bread...and they shall eat bread by weight  
4:17: ...they will pine away in their iniquity  
*and also very often:*  
5:2; 12: ...thou shalt scatter to the wind, and I  
will draw out a sword after them  
5:17, cf. 14:15: and evil beasts, and they  
shall bereave thee. <sup>43</sup>  
6:3: I will bring (*mevr*) a sword upon you  
cf. 5:17; 14:17; 33:2  
6:3-5: ...and I will destroy your high places.  
And your altars shall become desolate, and your  
sun-images shall become broken...I will set  
the carcasses...before their idols.  
[*we-hippalti chateleikhem lifnei giluleikhem*]  
6:6: ...the cities shall be laid waste, and the high

Lev. 26

26:26: When I break your staff of bread ...and they  
shall deliver your bread again by weight  
26:39: ...shall pine away in their sin  
26:33: And you I will scatter among the nations, and I  
will draw out the sword after you  
26:22: ...the beast of the field among you which shall  
bereave you  
26:25: And I will bring a sword upon you  
26:30: And I will destroy your high places and cut  
down your sun-pillars, and cast your carcasses  
upon the carcasses of your idols <sup>44</sup>  
[*pigreikhem 'al-pigrei giluleikhem*]  
26:31: And I will make your cities a waste and will bring

<sup>43</sup> Baudissin (*Eint. in A.T.*, p. 192) notes: "Ez. is the dependent part: the threats about sending the beasts of the field (in Ez. explained as 'evil' beasts) and the destruction of the cattle that are connected and, as it appears, related in thought in H. have been disassembled by Ezekiel into two separate threats (5:17; 14:13; 15).

<sup>44</sup> Klostermann (*Pent.*, p. 381) wants to emendate '*al-pigrei*' and read also in the Pentateuch '*al-penei*' instead. Since *p.g.r.* only has the meaning of 'to destroy' in Aramaic, *pigreikhem 'al-pigrei giluleikhem* is such a fitting word-play: "your carcasses upon the carcasses of your idols," that the wording of the Torah must be considered as the only correct one. It may be that the meaning of *p.g.r.* in Ezekiel's time was not in use; nevertheless it did change the meaning of the expression in the Torah somewhat.

	places ( <i>bamot</i> ) shall be desolate.	your sanctuaries ( <i>miqdesheikhem</i> ) unto desolation <sup>45</sup>
27)	14:17: ...I bring a sword upon that land	26:6 ...neither shall the sword go through your land
	17:20: ...for his treachery that he hath committed against Me.	26:40: ...in their treachery which they committed against Me
	13:10: Because, even because	26:43 ...because, even because
	20:24: ...but had rejected My statutes ...	26:15 and if ye shall reject My statutes
	33:28, cf. 35:4: And I will make the land most desolate...	26:33 ...and your land shall be a desolation, and your cities shall be a waste
	33:28 (24:21): ...the pride of her power shall cease	26:19 And I will break the pride of your power
	39:27: out of their enemies' lands	26:36; 39: in the lands of their enemies
	17:16; 18f., [44:7]: by breaking the covenant	26:15: but break My covenant

Klostermann (*Pent.*, p. 380) emphasizes the following instance. The second speech of Ez. 6:2 ff. has the form of a prophecy of doom addressed to the mountains and valleys of Israel being the stage of idolatry, while Lev. 26 is an address to the Israelites. When we find, however, that Ezekiel uses the same expressions that were originally phrased for a speech addressed to people and first need to be translated in order to make them apply to localities, this is proof that Ezekiel is the copyist here and that the authority of Lev. 26 determined his choice of expressions as against the nature of his own thoughts which would have required new expressions. However, not just Lev. 26, but also the entire Holiness Code must have been so completely impressed upon the memory of the prophet Ezekiel, that we can find numerous examples of identical expressions within almost every chapter. Thus, from Lev. 17 one can find the following borrowings in Ezekiel:

#### Ezekiel

14:4: ...every man of the house of Israel that setteth up ...(*'asher yaf'aleh*)  
 14:7: For every one of the house of Israel, or of the strangers that sojourn in Israel ...  
 14:8: ...and I will set My face against that man<sup>47</sup>

#### Lev. 17

17:8: ...Whatsoever man there be of the house of Israel or of the stranger that sojourns among them, that offers (a burnt offering) (*'asher yaf'aleh ('olah)*)<sup>46</sup>  
 17:10, cf. 20:6: I will set My face against that soul...

<sup>45</sup> The Torah does not use the word *bamot* for God's holy places (only for pagan ones), hence the word *miqdesheikhem*. Cf. Baudissin, p. 144, who wants to understand from the plural of *miqdesheikhem* in this law that the unification of the Sanctuary had not yet been implemented. (On this see also: Ps. 73:17; 68:36; Ez. 21:7).

<sup>46</sup> That here the law is original and Ezekiel the imitator, should immediately be obvious to anyone; since *'asher yaf'aleh* is the regular term in the Torah with regard to sacrifice, it is equally necessary to stress in a law that this counts for the stranger as much as for the native. This sounds strange in a prophetic speech and can only be explained as a reflection from the law.

<sup>47</sup> Also the *we-hashimoteihu le-'ot we-limshalim* [...and will make him a sign and a proverb] which is found in between both sentences we quoted is borrowed from Deut. 28:37 (*we-hayita le-shamah le-mushal we-lishminah*

I will cut him off from the midst of <sup>48</sup> My people	I will cut him off from among his people
24:7 She poured it not upon the ground, to cover it with dust <sup>49</sup>	17:13: ...he shall pour out the blood thereof, and cover it with dust.

28) When we continue reading the Holiness Code, ch. 18 and its parallel ch. 20, we will find once more that Ezekiel frequently used these texts.

### Ezekiel

20:11: ...My statutes, and...Mine ordinances, which if a man do, he shall live by them (cf. 20:13 and 21)

22:9: ...in the midst of thee they have committed lewdness [zimmah]

18:6,11: ...neither hath [he] defiled his neighbour's wife (cf. 22:11)

18:6 (cf. 22:10): ...neither hath [he] come near to a woman in her impurity

5:11: ...thou hast defiled My sanctuary...

22:10: In thee have they uncovered their father's nakedness

22:11: ...and each hath lewdly defiled his daughter-in-law...

22:11: ...and each in thee hath humbled his sister, his father's daughter

15:7: And I will set My face against them ... when I set My face against them.

16:38, 40 (cf. 23:45-47): And I will judge thee, as women that break wedlock and shed blood are judged:...and they shall stone thee with stones ...

18:13: ...he shall surely be put to death and his blood will be upon him

### Lev. 18 and 20

18:5: ...My statutes, and Mine ordinances which, if a man do, he shall live by them

20:14: ...that there be no wickedness among you. [zimmah]

18:20: ...to defile thyself with her

20:10: ...he that committeth adultery with his neighbour's wife

18:19: And thou shalt not approach unto a woman ... as long as she is impure by her uncleanness

20:3: ...to defile My sanctuary...

18:7 (cf. 20:11): The nakedness of thy father... shalt thou not uncover

18:15 (cf. 20:12): Thou shalt not uncover the nakedness of thy daughter-in-law...

18:9 (cf. 20:17): The nakedness of thy sister, the daughter of thy father

20:5, 6: then will I set My face against...I will set My face against

20:10: ...both the adulterer and the adulteress shall be put to death

20:27: ...they shall stone him with stones

20:9: ...he shall surely be put to death...his blood shall be upon him.

- And you shall become an astonishment, a proverb, and a byword), proving that for the originality of this text one should not look in Ezekiel.

<sup>48</sup> Instead of the *mi-qerev* of Leviticus, Ezekiel uses *mitokh* (cf. Klostermann, p. 393).

<sup>49</sup> The prophet presents the law of *kisui dam* here as a humanitarian commandment between man and animal, which the murderers should have observed at least with regard to human blood. Here too it is clear that Ezekiel had this law before him or otherwise had it in mind.

16:36 f; 23:10; 18; 19: ... nakedness uncovered

This occurs very often in Lev. 18 and 20.<sup>50</sup>

The Holiness legislation, too, which is reported briefly in Lev. 19 often functions as a basis for Ezekiel, as the following passages show:

<u>Ezekiel</u>	<u>Lev. 19</u>
4:14 ...neither came there abhorred flesh into my mouth <sup>51</sup>	19:7 (cf. 18) ...it is a vile thing, it shall not be accepted
18:18 (22:29): ...he cruelly oppressed, committed robbery...	19:13: Thou shalt not oppress ...nor rob
3:20: ...I will lay a stumbling block before him	19:14: ...nor put a stumbling-block before the blind
22:9: In thee have been talebearers	19:16: Thou shalt not go up and down as a talebearer among thy people...
33:25: ...Ye eat with the blood...	19:26: Ye shall not eat with the blood
29) 47:22: ...that sojourn...and they shall be unto you as the home-born among the children of Israel	19:34: The stranger that sojourneth with you shall be unto you as the home-born among you. (Num. 15:29)
45:10: Ye shall have just balances, and a just ephah, and a just bath <sup>52</sup>	19:36: Just balances...a just ephah, and a just hin, shall ye have.
33:25 (18:12): ...lift up your eyes unto your idols	19:4: Turn ye not unto the idols...
33:26: Ye stand upon your sword...	19:16: ...neither shalt thou stand idly by the blood of thy neighbor...
4:11: ...by measure...	19:35: ...in measure...

Ezekiel borrowed various themes from the priestly and sacrificial laws of Lev. 21 and 22, even if in quite a few places he deviates on essential points.<sup>53</sup> The passages are:

<u>Ezekiel</u>	<u>Lev. 21 and 22</u>
44:25: ...they shall come near no dead person <sup>54</sup> to defile themselves; but for father, or for mother, or for son, or for daughter, for brother or for sister	21:1-3: There shall none defile himself for the dead among his people; except for...his mother, and for his father, and for his son, and for his daughter, and

<sup>50</sup> As in most cases Ezekiel presents the law as either having been observed or as having been transgressed, the legislator cannot have created his laws from Ezekiel's text. It is Ezekiel rather, who based himself on the law in Leviticus.

<sup>51</sup> Against the assertion of quite a few critics that the word *pigul* is of a late origin, Halévy (*Rech. Bibl.* II, p. 257) refers to the adjective *paglu* and the verb *puggulu*, which commonly occur in Assyrian.

<sup>52</sup> Instead of the word *hin*, which was obsolete in his time, Ezekiel uses *bat*; with regard to the sacrifices, however, [in 45:24] he uses the statutory measure *hin*.

<sup>53</sup> The departures from the text of Leviticus can only refute the assumption (of Graf *et al.*) that Ezekiel is the author of H; however, they do not prove in the least that he would not have had the Torah law before him.

<sup>54</sup> Ezekiel explains the legal term *le-nefesh* by means of 'el-meit 'adam. Ezekiel, furthermore, borrowed the expression 'el-meit - lo' yavo' from the nazirite law (Num. 6:6).



that hath had no husband, they may defile themselves

44:20 ...nor suffer their locks to grow long...

44:22 Neither shall they take for their wives a widow, nor her that is put away; but they shall take virgins

14:7 ...that separateth himself from Me...

44:31 (cf. 4:14) The priests shall not eat of any thing that dieth of itself, <sup>55</sup> or is torn

36:20 (cf. vv. 21, 22, 23, 20:39) ...they profaned My holy name...

for his brother, and for his sister...that hath had no husband, for her may he defile himself.

21:10: ...shall not let the hair of his head go loose...

21:14 A widow or one divorced, these he shall not take, but a virgin.

22:2 that they separate themselves from the holy things

22:8 That which dieth of itself or is torn of beasts, he shall not eat...

22:32 And ye shall not profane My holy name...

With regard to the festival legislation of Lev. 23 cf. Ez. 45:21-25. <sup>56</sup> No traces of Lev. 24 are found in Ezekiel; however, all the more so Ezekiel made use of Lev. 25-26:2. Compare:

#### Ezekiel

46:17 ...it shall remain his to the year of liberty

18:7 (cf. vv. 12, 16)...hath not wronged any

[Hoffmann gives 47:18, but this makes no sense]

30) 18:8 (13: 17; 22:12): he hath not given forth upon interest; neither hath taken any increase...

34:4: ...but with force <sup>57</sup> have ye ruled over them and with rigour

7:13: For the seller...to that which is sold... which shall not return

11:15: ...thy brethren, the men of thy kindred (*ge'ulekha*)

8:12: ...his imagery (*maskito*)...

23:38: ...they have defiled My sanctuary...and have profaned my Sabbaths

#### Leviticus

25:10: ...and proclaim liberty...

25:14: ...ye shall not wrong one another...

25:36 (cf. v. 37): Take thou no interest from him or increase...

25:46 (cf. v. 53): ...ye shall not rule...with rigour

25:13-14: ...ye shall return every man unto his possession. And if thou sell ...

25:48: ...one of his brethren may redeem (*yig'aleinu*) him. [see also 25:25 for use of *g'.l.*]

26:1: ...figured (*maskit*)

26:2: Ye shall keep My Sabbaths, and reverence My sanctuary...

Ex. 31:13 too, which according to the moderns belongs to H, is quoted almost verbatim by Ezekiel (see above, p. 20 note 3 [= 14, note 34]).

<sup>55</sup> Ezekiel agrees here with H and not with Deut. 14:21 and Ex. 22:30.

<sup>56</sup> If in 20:28 Ezekiel uses *'etz 'avor* from Lev. 23:40 instead of the deuteronomic *'etz ra'an*, one can see clearly that he had had the festival legislation of Leviticus in front of him.

<sup>57</sup> *uve-chazuqah* is an explanation of the archaic *uve-farekh*.

Even if, with the frequent similarity of the laws, the evasive argument of the critics that Ezekiel would have known these laws from oral tradition within the priestly circles, would be accepted, this is not admissible in those cases where Ezekiel corresponds conspicuously in wording, or where he uses the wording of the laws in order to connect them with other themes (as e.g. in Ez. 14:4; 14:7; 24:1; 20:37; 34:4). We will first deal with the use of expressions and figures of speech from Lev. 26! These can only have been borrowed from a written example. We saw that the opposite situation, of H having used Ezekiel, is unthinkable. But if the prophet had the concluding chapter 26 of Leviticus before him in written form, then the entire legislative collection, of which this chapter is the conclusion, must have had a fixed written form. The references in Ezekiel are therefore not derived from an oral tradition but from the written Torah. Consequently, a post-exilic date for H is impossible.

But not only H is thus related to Ezekiel. A close examination will moreover show that the PC, to which the new school grants a post-exilic origin, was already available to Ezekiel in its entirety. We will now present the references and reminiscences of the other parts of the PC in Ezekiel.

### Ezekiel and the other parts of the PC

- 31) Many of the matters described in the other parts of the Torah, (aside from H) that are attributed to PC, are also found in Ezekiel. They are so numerous, that a coincidence should be ruled out. One must have relied on the other. Observe the following instances:

#### Ezekiel

1:22: ...a firmament...

47:9: ...every living creature wherewith it swarmeth...<sup>59</sup>

47:[10]: ...after its kind...as the fish of the sea

1:26: ...a likeness as the appearance of a man

29:5 (cf. 33:27; 34:5; 39:4): ...to the beasts of the earth and to the fowls of the heavens have I given thee for food.

28:15: ...from the day that thou wast created...

8:17 (cf. 7:23): ...they fill the land with violence

#### PC

Gen. 1:6: ...a firmament...<sup>58</sup>

Gen. 1:21: ...every living creature...swarmed...

Gen. 1:25, 26: ...after its kind...fish of the sea...

Gen. 1:26: ...man...after our likeness.

Gen. 1:30: and to every beast of the earth and to every fowl of the air...for food

Gen. 5:2: ...in the day when they were created.

Gen. 6:11: ...and the earth was filled with violence

<sup>58</sup> That the use of *rak'ea* in Ezekiel is the same as in Genesis, has been proved convincingly by Halévy in *Rech. Bibl.* II, 250, against Cornill.

<sup>59</sup> The expressions *nefesh chayah* as well as *sh.r.tz* are characteristic for the PC according to the critics, the masc. *'asher sharat* which does not go with *nefesh chayah*, has in view the *sheretz nefesh chayah* which occurs in Gen. 1:20.

16:62	I will establish My covenant with thee	Gen. 6:18	I will establish My covenant with thee
17:23	all fowl of every wing	Gen. 7:14	every fowl after its kind, every bird of every sort
38:20	the fishes of the sea, and the fowls of the heaven, the beasts of the field <sup>60</sup> and all creeping things that creep upon the ground, and all the men that are upon the face of the earth	Gen. 9:2	beast of the earth, and upon every fowl of the air, and upon all wherewith the ground teemeth, and upon all the fishes of the sea
1:28	As the appearance of the bow that is in the cloud in the day of rain	Gen. 9:14	and the [rain]bow is seen in the cloud
16:60	and I will establish unto thee an everlasting covenant	Gen. 17:7	And I will establish My covenant . . . for an everlasting covenant
2:3, 24:2; 4[?]; 40:1	this selfsame day.	Gen. 7:13 etc.	...this very day
38:12(13)	...that have gotten cattle and goods	Gen. 34:23	their cattle and their substance..
20:38	...out of the land where they sojourn <sup>61</sup>	Gen. 36:7 etc.	...the land of their sojournings
9:9, 16:13	...exceeding...	Gen. 17:2, 6:20; Ex. 1:7	...exceedingly..
32) 20:5 (13)	and made Myself know unto them in the land of Egypt...I am the Lord, your God. <sup>62</sup>	Ex. 6:3; 6:	...but My name ( <i>Hashem</i> ) I made Me not known to them...wherefore say...I am the Lord.
20:6	in that day I lifted up my hand [ <i>nas'ati yadi</i> ] unto them, to bring them forth, etc.	Ex. 6:6; 8:	...and I will bring you out...which I lifted up My hand [ <i>'asher nas'ati et yadi</i> ]
20:28; 42:	For when I had brought them into the land, which I lifted up My hand...unto your fathers.	Ex. 6:8	And I will bring you into the land, concerning which I lifted up My hand to give it to Abraham, to Isaac, and to Jacob...
20:42 (etc.):	And ye shall know that I am the Lord	Ex. 6:7 (etc.):	...and ye shall know that I am the Lord
11:15 (25:10; 33:24):	...unto us the land is given for a possession	Ex. 6:8:	...and I will give it you for a heritage
14:9; 13 (etc.):	...I will stretch out My hand upon him...	Ex. 7:5:	...when I stretch forth My hand upon Egypt...
24:23:	...and your shoes upon your feet ...	Ex. 12:11:	...your shoes on your feet...
5:10 etc. (cf. 25:11):	...and I will execute judgments in thee...	Ex. 12:12:	...against all the gods...I will execute judgments; I am the Lord.

<sup>60</sup> Here is shown clearly how in Ezekiel expressions from all parts of the Torah come together in one and the same passage; as the PC always uses *chayat ha-aretz*, while IE uses *chayat ha-sadeh*, according to the critics. Thus whereas the entire arrangement has been borrowed from the PC, with the expression *chayat ha-sadeh* an echo from IE has crept in, and just as in the conclusion of this verse *we-khol ha-adam 'asher 'al pnei* is an expression from JE (Num. 12:3).

<sup>61</sup> The expression "the land where they sojourn" *'eret megureihem* is clearly derived from the Patriarchal narratives of the PC.

<sup>62</sup> It should be clear to anyone that Ezekiel had Ex. 6:3 ff. in mind during this speech.

5:16, 9:6	destruction [ <i>lemashchit</i> ]	Ex. 12:13	to destroy [ <i>lemashchit</i> ]
47:22	and to the strangers that sojourn among you they shall be unto you as the home born	Ex. 12:49	One law shall be to him that is homeborn and unto the stranger that sojourneth among you
43:[9]	I will dwell in the midst of them	Ex. 25:8	that I may dwell among them
28:16 (14)	covering [ <i>sokhekh</i> ] cherub	Ex. 25:20	the cherubim screening [ <i>sokhekhim</i> ]
1:9	joined one to another	Ex. 26:3	coupled one to another
28:13	the carnelian, the topaz, and the emerald, the beryl, the onyx, and the jasper [and the smaragd]	Ex. 28:17-18, 20	carnelian, topaz, and smaragd, etc
6:13	sweet savour to all their idols	Lev. 1:9 (etc.)	of a sweet savour unto the Lord
24:6	piece by piece	Lev. 1:6	and cut it
10:4	the court was full of the Lord's Glory	Ex. 40:34	the Glory of the Lord filled the tabernacle
43:5	the Glory of the Lord filled the House	Lev. 1:2 (etc.)	Speak unto the children of Israel and say unto them
20:27 (14:4)	Speak unto the House of Israel and say unto them...	Lev. 4:2 (cf. 5:4)	and shall do any one of them
18:10	and he doeth to a brother any of these	Lev. 5:15	If any one commits a trespass, and sin
14:13	when a land sinneth against Me, by trespassing grievously	Lev. 10:3	I will be sanctified I will be glorified
28:22	I will be glorified in the midst of thee and shall be sanctified in her.	Lev. 10:9	Drink no wine nor strong drink...
44:21	neither shall [any priest] drink wine...	Lev. 10:10	And that ye may put difference between the holy and the common; and between the unclean and the clean.
22:26 (cf. 42:20; 44:23)	they have put no difference between the holy and the common, neither have they taught difference between the unclean and the clean...	Lev. 11:44 (etc.)	neither shall ye defile yourselves with any manner of swarming thing...
4:14	my soul hath not been polluted...	Lev. 13:45	he shall cover his upper lip...
24:17(22)	cover not thine upper lip...	Lev. 16:12	a censer full of coals...
10:2	and fill both thy hands with coals of fire	Lev. 27:32	whatsoever passeth under the rod <sup>63</sup> ...
33) 20:37	and I will cause you to pass under the rod	Lev. 27:9,10 ff	shall be holy; he shall not alter it nor change it...
48:14	They shall not sell of it, nor exchange for it is holy...	Num. 5:12	and act unfaithfully against him.
20:27	in that they dealt treacherously with Me		

<sup>63</sup> Ezekiel's borrowing of this text refutes also the opinion of Kuenen and others, according to which Lev. 27:32-33 had only entered the Pentateuch after Ezra's time because of the concept of tenths of cattle occurring in it. See, however, *MWJ* 1880, p. 138 and my commentary on Lev. 27:32-33.

21:28 bringeth iniquity to remembrance

4:6 forty days, each day for a year

14:10, 44:10 And they shall bear their iniquity

44:12 I have lifted up My hand [swore]

5:13 I the Lord have spoken

44:30 ye shall also give unto the priest the  
first of your dough

20:27 your fathers blasphemed Me

16:59 (cf. 17:16, 18, 19) who hast despised  
the oath in breaking the covenant

6:9 their straying heart and with their eyes,  
which are gone astray after, etc

44:6 let it suffice you

44:11 and they shall stand before them to  
minister unto them.

7:10 the turn is come forth, the rod hath  
blossomed, arrogancy hath budded

40:45, 46 keepers of the charge of the  
house, keepers of the charge of the altar

44:30 the first of all the first-fruits of every  
thing

44:29 The meal-offering, and the sin-offering,  
and the guilt offering, they, even they, shall eat;  
and every devoted thing in Israel shall be theirs

44:28 ...I am their inheritance; and ye shall  
give them no possession in Israel...

36:25 And I will sprinkle clean water upon  
you...

47:19, 48:28 ...as far as the waters of Meriboth-  
kadesh<sup>64</sup>

46:13 a lamb of the first year without blemish...  
daily

Num. 5:15| bringing iniquity to remembrance

Num. 14:34 forty days, a day for a year, a day  
for a year

Num. 14:34 (etc.) shall ye bear your iniquities

Num. 14:30 I lifted up My hand (swore)

Num. 14:35 I the Lord have spoken

Num. 15:21 Of the first of your dough ye shall give  
unto the Lord

Num. 15:30 he blasphemeth the Lord

Num. 15:31 he despised the word of the Lord and  
hath broken His commandment...

Num. 15:39 after your own heart and your own eyes,  
after which ye use to go astray

Num. 16:3 too much - you...

Num. 16:9 to stand before the congregation to  
minister unto them.

Num. 17:23: ...the rod... was budded...put forth buds,  
and bloomed blossoms...

Num. 18:4-5 ...and they shall keep the charge of the  
tent of meeting...and the charge of the altar.

Num. 18:13 The first-ripe fruits of all that is in  
their land

Num. 18:9, 14: ...every meal-offering of theirs...their  
sin-offering of theirs...their guilt-offering...Every  
thing devoted in Israel shall be thine.

Num. 18:20: ...thou shalt have no inheritance in the  
land ...I am thy portion and thine inheritance...

Num. 19:13: ...because the water of sprinkling was  
not dashed against him...

Num. 27:14, Deut. 32:51: ...the waters of Meribath-  
kadesh

Num. 28:3: he-lambs of the first year without blemish  
two day by day

<sup>64</sup> This name is not explained in Ezekiel; it can therefore only come from the historical narrative of the PC as it does not occur elsewhere.

	27:13 ... the persons	Num. 31:35 ... persons
	47:13 ... ye shall divide the land	Num. 33:54 And ye shall inherit the land by lot
34)	47:20 And the west side shall be the Great Sea, from the border <sup>65</sup> This is	Num. 34:6 And for the western border ... ye shall have the Great Sea for a border
	47:20 And the west side	Num. 34:6 And for the western border <sup>66</sup>
	48:17(45:2, 48:15) And the city shall have open land	Num. 35:2, etc. ... and open land round about the cities
	48:30 ... the goings out of the city	Num. 34:8 ... the goings out of the border

In the examples presented here nearly all parts of the PC, both legal and narrative, are represented. Concerning the latter it must be assumed that they were available to the prophet in written form.

Ez. 20 is especially instructive. The prophet starts with the revelation in Ex. 6:2 ff. and uses some expressions occurring there. He then tells how the Israelites worshipped the gods of Egypt and were yet delivered by God. Continuing, he tells with the words of Lev. 18:4 ff., how God gave His life-giving statutes. Next he adds the Sabbath commandment, quoting Ex. 31:13 verbatim and then relates that, because of their disobedience the first generation died in the wilderness and their children, too, were threatened with a future exile, as they, like their fathers, had shown disobedience. The depiction of the history of Israel from the Exodus from Egypt up to the entering of the Holy Land is so different from the narratives in the Torah, that, following the method of the critics, one must assume that Ezekiel was unaware of the entire Torah and that he created his narrative from totally different sources. However, in contrast, it is exactly his speeches that are filled with expressions from the PC and Deuteronomy, and it emerges unambiguously from these speeches that Ezekiel not only knew these books, but that he considered them to be as the authentic Scripture containing divine laws given by God to the people in the wilderness.<sup>67</sup> If

<sup>65</sup> Here Ezekiel explains clearly the obscure place in the PC and Josh. 15:12, 47. With regard to the meaning of *u-gvul* see the *Gesenius Thesaurus* sub. *י*, and Ewald, *Lehrbuch* § 277c.

<sup>66</sup> Halévy (l.c., p. 279) [*Rech. Bibl.* II] makes the pertinent remark, that *nachalah* in Ez. 47:19 can only be understood by assuming that Ezekiel had in mind *nachalat mitzraim*, which is found in Num. 34:5. Ezekiel uses furthermore the name *amar* instead of the for his time archaic name *mudbar tzin* or *tzinah*, found in Num. 34:3-4. To these examples we add that *tzin* of Num. 33:36 is translated *tzini tawar parzela* by the Jer. Targum I.

<sup>67</sup> One merely needs to read this ch. 20 of Ezekiel attentively and one recognizes in it a mosaic style in which one constantly comes across expressions from the legislative books and the prophets - v. 5: *bacharti be-yisrael* is from Deut. (4:37; 14:2); *wa-essa yadi* (twice) from P (Ex. 6:8); *wa'wada' lahem* - 'ami hashem from the same (v. 3; *lo noda'ti* and v. 6) ~ v. 6: *nasa'ti yadi lahem*, etc. from the same from v.8 and 6; *asher-taru lahem* from Num. 10:33; *zavat chalay u'dvash* as in many pentateuchal passages; *tzvi hu'* from Jer. 3:19 ~ v. 7: *shiqutzei* - *gilulei* from Deut. 29:16; *'al-titam'u* from Lev. 11:43 ~ v. 8; again *shiqutzei* - *gilulei*; *lshpokh chamati* from Lam. 2:4; Jer. 10:25; the combination of *'af* and *chemah* from Deut. 9:19; Jer. 7:20, etc.; *le-khalot 'api bahem* for which Ez. otherwise uses *khalah chemah* (5:13; 6:12; 13:15), from Lam. 4:11 ~ v. 9: *wa-'af-as lemaf'an shemu* from Jer. 14:21; *lewilti hechel* Lev. 22:32; *le-'einethem lehotzi'am me'eretz mitzraim* - *le-'einei hagoyim* Lev. 26:45; *asher noda'ti* see above ~ v. 11: *et-chugotai we-'ei mishpatai* - *asher vaf'aseh-*

the prophet presents the history yet differently from how we perceive it directly, the harmonizing levelling, which the critics reject so energetically in all places and without which they still are not able to make sense of this chapter, imposes itself on us.

35)

### Ezekiel and Deuteronomy

In order to prevent an erroneous view, according to which Ezekiel is the original text from which the PC would have been created, it is necessary to demonstrate that Ezekiel not simply borrows from the PC, but also makes use of many other sources. He intersperses his speeches inadvertently with expressions and phrases from these sources, so that we should not look for originality on the part of Ezekiel every time he shares expressions with other texts. We will first collect the deuteronomic expressions as they occur in Ezekiel. Compare:

36)

<u>Ezekiel</u>	<u>Deut.</u>
8:5, 10 image form of creeping things and beasts.	4:16, 17, 18: ...likeness...likeness of any beast ...likeness of any thing that creepeth ...
8:16: ...they worshipped the sun toward the east	4:19: ...the sun...and worship them...
12:16: But I will leave a few men of them... <sup>68</sup>	4:27: ...and ye shall be left few in number...
20:32: ...to serve wood and stone ...	4:28, 28:64: ...ye shall serve...wood and stone
20:33: ...with a mighty hand, and with an outstretched arm...	4:34, 5:15: ...by a mighty hand, and by an outstretched arm...
6:13(20:28): ...high hill, in all ...the mountains	12:2: ...the high mountains...the hills and

*wachai bahem* literally from Lev. 18:5 ~ v. 12: *shabtota* - *meqodsham* almost literally from Ex. 31:13 ~ v. 13: *wayamru vi* from Deut. 9:7, etc.; *be-chuqotai lo'-halakhu* Lev. 26:3; *mishpatai ma'asu* Lev. 26:43; *'asher ya'aseh* - *wachai bahem* as v. 11; *shabtota chilelu* Ex. 31:14; *lishpokh chamati* as v. 8; *lekhalotam* Ex. 32:12 ~ v. 14: as v. 9 ~ v. 15: *nasa'ti yadi* - *'el ha'aretz* as in Num. 14:28, 30; *zavat* - *tzvi* above v. 6 ~ v. 16: *be-mishpotai* - *chilelu* above v. 13; *'acharei giluleihem* 1 Kgs. 21:26 ~ v. 17: *we'achas'eini* often in Deut., etc.; *mishachatam* Deut. 10:10; *we-lo' 'asiti 'otam kalah* Jer. 5:18 etc. ~ v. 18: *b-echuqei* - *'al-telekhu* Lev. 20:23; *begiluleihem 'al-titam'u* Lev. 18:24 ~ v. 19: *be-chuqotai lekhu* - *we'asu 'otam* Lev. 26:3 ~ v. 20: *we-'et shabtota* as above v. 12 ~ v. 21: as v. 13 ~ v. 22: from *wa-'as* to *le-'eineihem* as v. 14 ~ v. 23: *nasa'ti et-yadi* as v. 15; *lehafitz* - *bagoyim* Deut. 28:64; *ulezarot* etc. Lev. 26:33 ~ v. 24: as vv. 13 and 16 ~ v. 25: the opposite of v. 11 ~ v. 26: *be-matnotam* Ex. 28:38; *beha'avir* - *racham* Ex. 13:12; *lemafan 'asher yed'u*, etc. Ex. 7:5 ~ v. 27: *davar* - *we-'amarta'aleihem* Lev. 1:2; *gidfu 'oti* Num. 15:30; *be-ma'alam* etc., Num. 5:12 ~ v. 28: *wa-'avi'em* - *lahem* Ex. 6:8; *wa-yir'u khal-giv'ah ramah* from Deut. 12:2, 13; *'etz 'avor* Lev. 23:40; *ka'as qorbanam* and *wa-yasikhu sham* etc. from Jer. 7:18; *reiach nichocheihem* very often in Lev. ~ v. 29: *haba'im sham* Deut. 12:5; *wa-yiqarei shemah* - *'ad hayom hazeh* Deut. 3:14 ~ v. 30: *shikutzeihem* as v. 7; *ve'acharei - 'atem zomim* Num. 15:39 ~ v. 31: *beha'avir beneikhem ba-'esh* Deut. 18:10; *giluleikhem* as v. 7 ~ v. 32: *kemishpachot ha'aratot* from Gen. 12:3; *lesharei 'etz wa'aven* Deut. 4:28 ~ v. 33: *chai* - *'ani ne'um hashem* - *'im-lo'* Num. 14:28; *be-yad chazaqah uvizro'a netuyah* Deut. 4:34; *uwe-chemah shefukhah* as v. 8 ~ v. 34: *vehotzeiti 'etkhem* Ex. 6:6; *we-qibartzi* - *bam* Deut. 30:3; *be-yad chazaqah* etc. as v. 33 ~ v. 35: *we-heveiti 'etkhem* Ex. 6:8; *we-nishpateti* Jer. 2:35; Joel 4:2; *panim 'el-panim* Deut. 34:10 ~ v. 37: *we-hafavarti* - *hashaver* Lev. 27:32 ~ v. 38: *me-'erez megureihem* *vidaf'em ki* - *ani hashem* Ex. 6:4, 7 ~ v. 39: *we'et - shem* - *lo' techalelu* Lev. 22:32 ~ v. 41: *we-qibartzi* - *bam* as v. 34; *veniqdashii* Lev. 22:32 ~ v. 42: as v. 28.

<sup>68</sup> Instead of the archaic *metei*, Ezekiel uses *'anshet*. Likewise the archaic verb *she'ar* has been changed into *hotar* which is commonly used by Ezekiel.

and under every leafy tree	under every leafy tree
6:3, 6: I will destroy your high places your sun images [may be] hewn down	12:3: and ye shall destroy their name
5:11(7,31, 8:18, 9:10): neither shall Mine eye spare, and I also will have no pity	13:9: neither shall thine eye pity: neither shalt thou spare
44:24: And in a controversy they shall stand to judge	21:5 (19:17): and according to their word shall every controversy
9:11: I have done according to all that Thou hast commanded me	26:14: I have done according to all that Thou hast commanded me
18:20: The soul that sinneth, it shall die, the son shall not bear the iniquity of the father, etc	24:16: The fathers shall not be put to death for the children: every man shall be put to death for his own sin
22:7: In thee have they made light of father and mother...	27:16: Cursed be he that dishonoureth his father or his mother
22:12: In thee have they taken gifts to shed blood	27:25: Cursed be he that taketh a bribe to slay an innocent person.
22:7: they dealt by oppression with the stranger...fatherless and the widow. <sup>69</sup>	27:19: Cursed be he that perverteth the justice due to the stranger, fatherless, and widow
23:46: ...a horror...	28:25 (cf. Jer 15:4, and more): ...a horror
14:8: ...and make him a sign and a proverb...	28:37, 46: ...an astonishment, a proverb...
37:23: ...their idols and their detestable things...	29:16: ...their detestable things, and their idols
4:13: ...whither I will drive them	30:1: ...with the Lord...hath driven thee
11:17, 19(36:24, 27): ...I will even gather you from the peoples...where ye have been scattered...[I] will give them a heart of flesh	30:3, 6: ...and gather you from all the peoples, whither the Lord...hath scattered thee...will circumcise thy heart...
39:25: ...Now will I bring back the captivity of Jacob, and have compassion...	30:3: that then...will turn thy captivity, and have compassion...
39:24: ...and I hid My face from them.	31:17: ...I will hide My face from them...
5:16: ...the evil arrows of famine...I will increase...upon you...	32:23 ff: I will heap evils upon them. Mine arrows ...the wasting of hunger...

- 37) Especially instructive are the places where Ezekiel combines expressions from the PC and D within one sentence. These places are clear proof that Ezekiel is the later source in which he presents in one place reminiscences from various sources that he was aware of. The PC (Lev.

<sup>69</sup> The compilation of *ger yetom we-'almanah* is found very often in Deuteronomy.



26:33), e.g., uses the expression *'ezareh ha-goyim* for the dispersion of Israel, while Deut. (4:27, 28:64) uses *hefitz ha-amim*. Ezekiel combines both expressions (12:12, 15; 20:23; 22:15, 29:12; 30:23, 26; 36:19; cf. 11:16, which has *hirchaqtim* because of the preceding verse), but also uses them individually (*z.r.h.* in 6:9 and *f.w.t.* in 11:17; 20:34; 41). For the ingathering of the people Deuteronomy uses the expression *we-qibhetzka mi-kol-ha-amim* (30:3); Ezekiel borrows this expression too (11:17), but combines it in another place (39:27) with *me-'artzot 'oyeveihem*, which he borrowed from Lev. 26:36, 39. Ez. 5:16 opens with a deuteronomic threat *be-shulchi 'et-chitzei, etc.* (Deut. 32:23 ff.), but closes with a quote from Lev. 26:26: *we-shavarti lakhem mateh*. In 6:3 idiomatic phrases are likewise interspersed with D-expressions (*we-'ihbaddeti; we-nigdar'u*, vv. 3, 6). Ez. 14:8 contains four clauses the first of which is derived from the PC, the second from D (Deut. 28:37), and the third and fourth again from the PC. In 22:6 Ezekiel sums up the offences that had been committed in Jerusalem. These mostly concern transgressions of the Holiness Code Lev. 19:20, 25. Nevertheless, in v. 7 (*'av we-'eim cheqalu bakh*) he uses the deuteronomic expression (Deut. 27:16 - [*maqleh 'aviw we-'imo*]) rather than the Levitical one of Lev. 20:9 [*'asher yeqalel 'et-'aviw*]. Equally, when summing up the priestly duties in 44:24, Ezekiel included deuteronomic precepts (Deut. 19:17; 21:5; 33:10).

In conclusion we will present a few examples demonstrating that apart from the PC and D, Ezekiel, in formulating his speeches and prophecies, also had other parts of the Torah (JE) in mind. Compare:

### Ezekiel

28:13 (31:8 ff.): thou wast in Eden the garden of God ...  
 16:49 ff: ...the iniquity of...Sodom...abomination  
 33:24: ...Abraham...and he inherited the land...  
 38:22: ...I will cause to rain upon him...fire and brimstone  
 16:11 ff: ...put bracelets upon thy hands... a ring upon thy nose...  
 16:5: ...in the day that thou wast born  
 16:11: ...a chain on thyneck...  
 1:4: ...a fire flashing up...  
 20:26: ...all that openeth the womb...  
 18:7(12): ...hath restored his pledge for a debt...

### JE

Gen. 2:8: God planted...a garden...in Eden...  
 Gen. 13:13 (cf. ch. 19): the men of Sodom were wicked  
 Gen. 15:7: ...to give thee this land to inherit it...  
 Gen. 19:24: ...caused to rain upon Sodom...brimstone and fire...  
 Gen. 24:47: ...And I put the ring upon her nose, and the bracelets upon her hands  
 Gen. 40:20: ...Pharao's birthday...  
 Gen. 41:42: ...and put a gold chain about his neck  
 Ex.9:24: ...fire flashing...  
 Ex. 13:12: .. all that openeth the womb...  
 Ex. 22:25: If thou at all take...to pledge...thou shalt restore it unto him

1:26 ...as the appearance of a sapphire stone  
 38) 8:11 ...seventy men of the elders of the house  
 of Israel...  
 23:34 ...crunch the shards thereof  
 34:6 ...and upon all the face of the earth  
 scattered

Ex 24:10 ...the like of a paved work of sapphire stone  
 Num 11:16 ...seventy men of the elders of Israel  
 Num 24:8 ...And shall break their bones in pieces  
 Gen 11:8(9)(et 41:56) ...scattered them upon the  
 face of all the earth

### Ezekiel and the other Prophets

Not only the words of the Torah, but also the oral and written prophecies of his contemporaries and older prophets to which he had access, are so abundantly represented that here too we must consider the expressions from the PC as having been borrowed by Ezekiel. Ezekiel has most in common with Jeremiah. Compare:

#### Ezekiel

2:6; 3:9: ...be not afraid of them...nor be  
 dismayed  
 2:7: And thou shalt speak My words unto them  
 9:2: ...lieth toward the north...  
 16:43(60): Because thou hast not remembered  
 the days of thy youth...  
 5:6: ...she hath rebelled against Mine ordinances  
 in doing wickedness more then the nations...  
 20:6, 15: ...the beauty of all lands  
 7:14: They have blown the horn...  
 13:10: ...Peace, and there is no peace...  
 23:17 f: ...was alienated from them  
 29:5: ...upon the open field...not be brought  
 together, nor gathered...  
 14:15: ...desolate, so that no man may pass  
 through  
 7:26: ...and instruction shall perish from the  
 priest, and counsel from the elders  
 12:2: ...that have eyes...and see not; that have  
 ears...and hear not...  
 13:13: ...a stormy wind...in My fury...  
 6:11: ...they shall fall by the sword, by the

#### Jeremiah

1:8, 17: Be not afraid of them: be not dismayed  
 at them...  
 1:17: ...and speak unto them  
 1:13: ...and the face thereof is from the north  
 2:2: ...I remember for thee the affection of thy youth  
 2:11: Hath a nation changed its gods.  
 3:19: ...a pleasant land, the goodliest heritage.  
 6:1: ...blow the horn in Tekoa.  
 6:14(4:10): ...Peace, peace, when there is no peace...  
 6:8: ...lest My soul be alienated from thee...  
 8:2: ...they shall not be gathered, nor be buried...  
 upon the face of the earth  
 9:10, 11: ...a desolation, without an inhabitant...  
 none passes through  
 18:18: ...for instruction shall not perish from the  
 priest, nor counsel from the wise...  
 5:21: ...that have eyes, and see not, that have ears,  
 and hear not  
 23:19: ...a storm of the Lord is gone forth in fury...  
 24:10: ...the sword, the famine, and the pestilence...

famine, and by the pestilence

18:2: ...The fathers have eaten sour grapes,

And the children's teeth are set on edge

25:5: ...a pasture for camels...couching-place  
for flocks...

14:13: ...cut off from it man and beast...

17:21: ...shall be scattered toward every wind...

39:27: when I have brought them back from the  
peoples.

31:[29]: ...The fathers have eaten sour grapes, and the  
children's teeth are set on edge

33:12: ...a habitation of shepherds causing their  
flocks to lie down

36:29: ...shall cause to cease from thence man and beast?

49:36: ...and will scatter them toward all those winds...

50:19: And I will bring Israel back...

We now move to the other prophets. Compare:

39) Ezekiel

7:2, 6: ...the end is come...

7:18: They shall also gird themselves with sack-  
cloth...and baldness upon all their heads

26:13: ...the noise of thy songs...the sound of  
thy harps shall be no more heard

36:33f.: ...cause the cities to be inhabited...the  
waste places...the land that was desolate...

Ezekiel

4:13: ...[they will] eat...their bread unclean...

12:13: My net also will I spread upon him...

16:39: ...strip thee...and leave thee naked and bare

17:10: ...Shall it not utterly wither, when the  
east wind toucheth it...

Ezekiel

30:2, 3: ...woe worth the day, For the day is near  
...of the Lord...

36:30: ...that ye may receive no more the reproach  
of famine among the nations

39:29: ...for I will have poured out My spirit...

47:1: ...waters issued out from under the threshold  
of the house...

Amos

8:2: ...The end is come...

8:10: ...sackcloth upon all loins, And baldness upon  
every head

5:23: ...the noise of thy songs; And let Me not hear  
the melody of thy psalteries

9:14: ...And they shall built the waste cities, and  
inhabit them...

Hosea

9:3: ...And they shall eat unclean food in Assyria

7:12: ...I will spread My net upon them...

2:5: Lest I strip her naked...

13:15: ...An eastwind shall come...And his spring  
shall become dry...be dried up...

Joel

1:15: Alas for the day! For the day of the Lord is  
at hand...

2:19: ...And ye shall be satisfied...and no more...a  
reproach among the nations

3:1: ...I will pour out My spirit...

4:18: ...And a fountain shall come forth of the  
house of the Lord...

### Ezekiel

24:6: ...Woe to the blood city...

### Ezekiel

7:17: All hands shall be slack...

32:7: ...the stars...the sun...and the moon  
shall not give her light

7:24: ...I will also make the pride of the strong  
cease...

15:3: ...a pin of it to hang any vessel thereon...

28:2: ...yet thou art man, and not God...

24:9 ff: ...kindling the fire...make the pile great  
...heaping on the wood

3:5: ...a people of an unintelligible speech and  
a slow tongue...

18:7, 16: ...hath given his bread to the hungry,  
and hath covered the naked with a garment

### Ezekiel

35:5: ...in the time of their calamity...

### Ezekiel

28:26: ...and shall build houses, and plant  
vineyards...

34:12: ...in the day of clouds and thick darkness

7:19: ...their silver and their gold shall not be able  
to deliver them in the day of the wrath of the Lord

25:16: ...Philistines...Cherethites...the remnant  
of the sea-coast

22:25, 27: ...her prophets...like a roaring lion...  
Her princes in the midst thereof are like wolves...

### Nahum

3:1: Woe to the bloody city!

### Isaiah

13:7: ...shall all hands be slack...<sup>70</sup>

13:10: ...the stars of heaven shall not give their light  
...the sun...the moon shall not cause her light to shine

13:11: ...and I will cause the arrogance of the proud  
to cease.

22:23 ff: ...a peg...And they shall hang upon him  
all vessels...

31:3: Now the Egyptians are men, and not God

30:33: ...deep and large, the pile thereof is fire and  
much wood

33:19: ...the fierce people...speech...a stammering  
tongue...

58:7: ...deal thy bread to the hungry...when thou  
seest the naked, that thou cover him...

### Obadiah

1:13: ...In the day of their calamity...

### Zephaniah

1:13: ...they shall build houses...and plant  
vineyards...

1:15: ...A day of clouds and thick darkness

1:18: Neither their silver nor their gold shall be able  
to deliver them in the day of the Lord's wrath...

2:5: ...the sea-coast...Cherethites...Philistines...

3:3 ff: Her princes in the midst of her are roaring lions  
...wolves of the desert...Her prophets...Her priests have  
profaned that which is holy, They have done violence to  
the law

<sup>70</sup> In this place, where we only show what Ezekiel and other prophets have in common, we will not take into account the various parts of Isaiah.

- 40) The conclusion of our examination is that Ezekiel, like no other prophet, has been influenced by the collective holy literature and in his prophecies utilizes the expressions and sentences of the other holy writings which were present in his mind.

### **Ezekiel, the PC and their relationship**

All the adoptions from the collective legislative and prophetic literature in Ezekiel presented above lead to the assumption that Ezekiel used the PC just as he used the other writings. It is however quite unlikely that the PC, which shows no evidence of the utilization of expressions from other writings, would have been used solely by Ezekiel. But another consideration as well leads to this supposition. If Ezekiel were the original text from which the PC would have borrowed the numerous expressions and sentences shown above, how is it that the PC consistently chooses those expressions that are only found in Ezekiel and are original there, while carefully avoiding those which Ezekiel has in common with Jeremiah and other writings. Might it have been the intention of the author of the PC to borrow only that which is original in Ezekiel and to this purpose to undertake a critical investigation of Ezekiel in order to recognize what was original and what was borrowed? Why, for instance, are the expressions *'av we-'vina heiqalu* [22:7]; *ba-chafatzi...ba-goyim* [12:15]; *we-shavti...et-shevut* [16:53]; *we-lo'-tachus...we-lo' 'echmol* [7:4; 7:9; 9:5]; *'etz ra'anan* [6:13]; *zarawah* [23:46]; *shiqutzei* [5:11; 7:20; 11:18, 21; 20:7, 30; 37:23]; ...etc. which Ezekiel borrowed from Deuteronomy and Jeremiah, never utilized in the PC. This surely proves that Ezekiel is not the original text, but that he had the PC in front of him.

- 41) One should also note an agreement between Ezekiel and PC with regard to the place of the particle *ki*. Rabbi Loeb Spiro already remarked in his work *Harkhasim Leviq'ah* ["The rough places (shall be made) a plain," a quote from Is. 40:4] that in some parts of Leviticus and Numbers, the particle *ki* is placed after the subject. This construction occurs only 41 times in certain legislative sections of the PC, but not in all. In the first five chapters on the sacrificial laws, eight times (Lev. 1:2; 2:1; 4:2; 5:1, 4, 15, 17, 21), to which should also be added Lev. 19:20. In the laws of purity, Lev. chs. 12, 13 and 15, twelve times (12:2; 13:2, 9, 18, 29, 38, 40, 47; 15:2, 16, 19, 25), and then in Lev. 21:9; 22:12, 13, 14, 27; 24:15, 17, 19; 25:26, 29; 27:2; and in Num. 5:6, 12, 20; 6:2; 9:10; 19:14; 27:8; 30:3, 4. Generally *ki* is placed after the subjects *'ishah*, *'ish*, *nefesh*, *'adam* (33 times). As this occurs only in some laws, it seems that this formulation is typical for the legislative style, whereby occasionally the person or issue which is the subject of the law, is put at the beginning of the sentence. Since Ezekiel also positions the particle *ki* in the same way ten times (3:19, 21; 14:9, 13; 18:5, 18, 21; 33:2, 6, 9), it is clear that he imitated the legislative style of the PC in these places. This is obvious when comparing:

- Ez. 14:13: 'eret<sup>z</sup> ki techeta' li lim'al-m'al [when a land sinneth against Me by trespassing grievously]  
 Lev. 5:1: we-nefesh ki-techeta' [And if any one sin]  
 Lev. 5:15: nefesh ki-tim'ol ma'al [If any one commit a trespass]  
 Lev. 5:21: nefesh ki-techeta' u-ma'alah ma'al [If any one sin and commit a trespass]

This construction is further only found in Is. 28:15 and three times in I Kgs. 8:37 where, however, the positioning is explained because of the accentuation of the subject.

Add to this the fact that legislative precepts found in Ezekiel can be understood only when we assume that the prophet was aware of and recognized the laws of the PC. We will give some examples to illustrate this. In 44:29 ff. when listing the gifts to the priests, the part of the priests in the meal and peace sacrifices is apparently not mentioned. It is impossible to assume that Ezekiel would not allocate anything of the peace and meal sacrifices. One can agree even less with Smend (*Comm.*) when he remarks: "Ezekiel is silent on this issue as something self-evident and trivial; however, as yield from the sacrifices he must have demanded the same for the priests as Deuteronomy." (18:3). This gift, which only occurs in Deuteronomy, was really less self-evident than the firstlings mentioned by Ezekiel, which are prescribed in all legislative sections and have been presented undisputedly since the earliest times. The silence on these priestly portions can only be explained by assuming that with the expression *we-khol terumat kol* in 44:30 Ezekiel had combined all priestly gifts indicated by *terumat* in Num. 18 and elsewhere in the PC, and to these belong as well the portions in the peace offerings (Ex. 29:28, Lev. 7:32 ff., Num. 18:19). In 44:29 Ezekiel says with regard to the meal, 42) sin, and guilt-offerings: "They (the priests themselves) shall eat [them]" (*hemah yo'khlum*), about the other holy gifts, however, only: "they shall be for the priests" [44:30 *la-khohanim yehiyeh*]. <sup>71</sup> This place is easiest explained through the precepts of the PC that meal, sin, and guilt offerings could only be eaten by male priests (Lev. 6:11, 22; 7:6; Num. 18:10). But the other gifts, as far as they completely belonged to the priests, could be consumed by all their dependants (wives, daughters, and slaves) (Lev. 10:14; 23:11 ff.; Num. 18:11, 13, 19).

The presupposition of the laws of the PC is demonstrated even more clearly in the festival laws in Ez. (45:21 ff.). Wellhausen <sup>72</sup> asserts that in Ez. 45:21 Pesach is considered to be the first day of the festival week. But then Ezekiel has the festival week starting on the 14th of the month. <sup>73</sup> That is impossible! What then could have moved the prophet not to let

<sup>71</sup> Smend remarks here: "Noteworthy here is the emphatic *hemah*; perhaps the exclusive right of the priests to the sin and guilt offerings was not yet totally beyond doubt." It is, however, beyond doubt that this explanation is incorrect.

<sup>72</sup> *Geschichte*, pp. 107 and 110. ["in the first place there is a discrepancy as to the *duration* of the feasts; both last seven and not eight days, and the passover is taken for the first day of Easter, as in Deuteronomy"].

<sup>73</sup> Kautzsch's wish to emendate 'the 14th' to 'the 15th', is totally unfounded.

the Pesach week start on the 15th of the month just like the Sukkot festival (45:15), i.e. at the full moon (*keseh* Ps. 81:4)? It is therefore certain that *pesach* in Ez. 45:21 refers merely to the pre-festival immediately followed by *chag shavu'ot yamim*. The words of the prophet presuppose the passage from the Torah, Ex. 12:6 ff.: "and ye shall keep it [the pesach] unto the fourteenth day of the same month at dusk, *bein ha-<sup>c</sup>arbayim* and they shall eat the flesh in that night (v. 14). And this day shall be unto you for a memorial, and ye shall keep it a feast (v. 15) seven days." "This day" (v. 14) is obviously the 15th of Nisan, although immediately before the 14th was mentioned. It is not necessary for Scripture to state this first, while everyone knows that the 15th day belongs to the previous evening (cf. Lev. 23:27 and 32). Likewise Ezekiel says: "On the 14th you will have the Pesach." He refers here to the time "at dusk" and "in that night," following the 14th, like in Ex. 12.<sup>74</sup> The following "seven day feast" starts consequently on the evening of the 14th, or on the 15th of Nisan. - Only when we assume that Ezekiel had the festival laws of the PC before him can it be under-stood that he does not mention the Feast of Weeks (*shavu'ot*) at all. Lev. 23[15-21] only mentions a concluding feast of the Pesach celebration (*'atzeret shel pesach*) and not at all a special festival. Ezekiel does not mention this just as he does not mention the 43) *'atzeret* of the Sukkot festival. [Even though the *'atzeret* of Sukkot is specifically mentioned in Lev. 23:36.] - An indication of the seven weeks to be counted following Pesach may be found, as Rashi already notes, in the appellation of Pesach as *chag shavu'ot yamim* (Ez. 45:21).

It is confirmed then from many sides that Ezekiel is dependent on the PC. It is useless to argue further with those who, after all the above expositions, still claim that the various parts of the PC only had a post-exilic origin.<sup>74a</sup>

<sup>74</sup> The assumption that Ezekiel relies on Ex. 12 is even more justified as we already demonstrated above (p. 29) that Ezekiel has five passages in common with this chapter, and further (p. 29, note 5) we noticed that *'etz 'avot* in Ez. 20:28 is borrowed from the festival laws of Lev. 23:40.

<sup>74a</sup> [For a very thorough treatment of the issues in this chapter, see Avi Hurvitz, *A Linguistic Study of the Relationship between the Priestly Source and the Book of Ezekiel: A New Approach to an Old Problem*, Cahiers de la Revue Biblique 20, Paris, 1982. His conclusion, based on his purely linguistic investigation of the material, is that P is pre-exilic and therefore pre-dates Ezekiel. At occasion he cites Hoffmann, whose work he acknowledges, yet, this is not to say that he would concur with any theological conclusion or premise expressed by Hoffmann. He reflects the Israeli school of biblical scholarship which makes use of moderate biblical criticism. See also Menachem Haran, "The Law-Code of Ezekiel 40-48 and its Relation to the Priestly School," *HUCA* 50(1979): 45-71. In this article those points are highlighted where Ezekiel deviates from the contents of P, yet it is made clear that the author of Ezekiel had access to P. He too mentions Hoffmann in a footnote.]

### The PC and Deuteronomy

One of the most important questions that should be discussed is how Deuteronomy relates to the PC. As Deuteronomy itself is mainly a book of laws, just like the PC, one may rightfully expect to find information in it on whether it postulates the laws of the PC or whether these are completely ignored. If it would show that Deuteronomy just postulates the PC but also regards these laws as divine and commanded through Moses, then it should be admitted that all reasons claimed for a late date of origin of the Levitical and priestly book of law are merely phantom reasons.<sup>74b</sup> First of all it should be noted that:

a) *It is not the intention of Deuteronomy to be the first book of law*

Wellhausen, and after him Stade (*Geschichte Israels* I, pp. 61, 658) and Cornill (*Eint. in A.T.*) only consider chs. 12-26 to be the original Deuteronomy and even exclude from these chapters many verses of which the content is contrary to this original Deuteronomy. According to Wellhausen it is beyond doubt that the original Deuteronomy lays claim to being the first book of law without presupposing any other Torah text. He declares the statements of the deuteronomic introductory speeches, according to which the deuteronomic laws (chs. 12-26) were presented by Moses only at the end of the forty years of wandering in the wilderness, as being in contradiction to the original Deuteronomy.<sup>75</sup>

- 44) This later book of law was originally viewed "as an enlarged edition of the old Book of the Covenant" according to which Moses had not carried the laws and statutes he received at Horeb with him for forty years, but had proclaimed them immediately to the people. This unheard of assertion can only be maintained through an unprecedented 'tendency' criticism [*Tendenzkritik*] by which all verses not fitting the assertion are thrown out and are assigned to a later hand. Firstly, Deut. 23:5-7,<sup>76</sup> which unambiguously testifies that Moses proclaimed

<sup>74b</sup> [In contrast to the first part of Hoffmann's postulation (i.e. Deuteronomy reflects P, and therefore P is older) we find the view of a representative of modern Israeli biblical scholarship, Menachem Haran. While concurring that P predates Deuteronomy he arrives at this conclusion based on very different premises. While accepting the basic findings of critical scholarship and following the ideas of Yechezkel Kauffmann, yet critical of them, he sets out to prove Wellhausen wrong at least on this issue and meanwhile keeps the debate on the date of P very much alive. He posits an interesting argument on why P is both old in form, yet new in implementation and while older than Deuteronomy, yet unknown to it! This view can be found in "The Character of the Priestly Source: Utopian and Exclusive Features," in: *Proceedings of the Eighth World Congress of Jewish Studies* 8(1983): 131-138 and an expanded version of the same, "Behind the Scenes of History - Determining the Date of the Priestly Source," in: *JBL* 100(1981): 321-333.]

<sup>75</sup> Wellh. (*JfdTh*, 1877, p. 464) bases himself on Deut. 26:17-18, from which it would result that Moses revealed the deuteronomic laws immediately after the proclamation of the Ten Commandments at Horeb. Only, it is obvious that with *hayom* in v. 17 is not meant the day of the entering into the Covenant at Horeb, but the day of the proclamation of the deuteronomic laws, because this proclamation and the ready hearing of the people was regarded as a renewal of the Covenant made at Horeb. (On the perf. in *he'emarta* and *he'emirkha*, see Liwald, 135c). The Sinaitic Covenant was also valid for the present generation (Deut. 5:3) and was already renewed with an oath and a curse before entering the holy land (Deut. 27:9; 28:69; 29:9-12). Thus also Dillmann (III, p. 362).

<sup>76</sup> See also Kuenen (*Eintl.*, p. 252 f.) against Valetton and Geiger, who object to vv. 23:2-9 on other grounds.



his law only at the end of the forty years wandering in the desert, must put up with being assigned to a revising hand. Then Deut. 24:9 also mentions an event that had only taken place after the legislation at Horeb. This, of course, must also be a later interpolation! Only, 25:17 portrays the encounter with Amalek as something that happened long before; and 12:8 speaks of the land east of the Jordan, when it commands: "Ye shall not do after all that we do here this day " Immediately after that it says: "But when ye go over the Jordan..." <sup>77</sup> Furthermore, the election of the Levites as something already accomplished is everywhere assumed in the original Deuteronomy (see Deut. 18:5; 21:5; etc.). According to both Deut. 10:8 and Ex. 32:29 this occurred only after the construction of the golden calf and naturally could  
 45) not have taken place before the legislation at Horeb. Finally the legislator mentions (24:8) the law regarding leprosy, which he had already commanded to the priests. This he could not have done had he formed his viewpoint at the time of the legislation at Horeb. Also *ka-'asher tziwitikha* (12:21) <sup>78</sup> can only refer to a commandment given in the past. - Hence the deuteronomic legislation was definitely only made public at the end of the forty years wandering in the wilderness. Consequently there is absolutely no reason to attribute the speech in ch. 4:45-11:32 to an author different from the one of chs. 12-26. Thus, not just Dillmann but also Kuenen (the latter with especially detailed argumentation - see *Eint.*, pp. 108-112) have decidedly accepted that these chapters belong to Deut. 12-26 as an introductory speech. In this introductory speech it has clearly and repeatedly been stated that Israel, now at the end of its many years of wandering in the wilderness and about to enter the Promised Land, should strongly take the following laws to heart in order to practice them in the Land.

Having assumed this, it seems *a priori* likely that Deuteronomy does not present itself as the first legislation given to the Israelites, but that it postulates another one, promulgated during the forty year stay in the wilderness and which it now, right before entering the Land of Canaan must expand and modify. And if Deuteronomy would have claimed to have been the first written book of law, it would have (just as with the Book of the Covenant of which Deuteronomy was in any case aware) seen to its being made public immediately following the legislation at Sinai. It has also been shown repeatedly in the introductory and closing speeches <sup>79</sup> that these laws were presented to the people only after

<sup>77</sup> Nowhere anything is found indicating an impending wandering in the wilderness, and in 18:16-20 the stop at Horeb and "the day of the assembly" are pictured as events far in the past. See Kuenen § 7, notes 7 and 8.

<sup>78</sup> It can easily be proven that when dealing with deuteronomic laws Deuteronomy as a rule, uses the present *'ani metzaweh* (see e.g. 12:19, 28; 13:1; 15:5; 19:9). The perfect *tziwitim* and *tziwitikha* in those places can only refer to earlier laws.

<sup>79</sup> Also in case (according to the critics) that not all introductory and closing speeches belong to the author of Deuteronomy, yet all critics of the new school agree that these predate the PC. As proof against the view of the new critics we can in the course of our investigation present to that end also the passages from the introductory and closing speeches which do presuppose the PC.

the forty years, for the simple reason that it says in the introduction (Deut. 5:28-6:1) that the following (deuteronomic) laws had been revealed to Moses by God immediately after the promulgation of the Decalogue at Sinai

46)           b) *Deuteronomy and the legislation of the Book of the Covenant*

It has generally been admitted that the author of Deuteronomy also knew of the Covenant legislation in Ex. 20-23, Ex. 34 and Ex. 13. Following the state of affairs we just sketched this becomes clear everywhere. According to Deut. 28:69; 29:8 and other places (also Jer. 11:2-8) the deuteronomic laws may be considered as the foundations of a new covenant, "which the Lord commanded Moses to make with the children of Israel in the Land of Moab, beside the covenant which He made with them in Horeb." This new covenant was intended for the new generation which was about to take possession of the Promised Land, but this did not invalidate the Covenant of Horeb for them. This was not less in full force for this generation (Deut. 5:2-3), and with it also the laws underlying this Covenant. If, then, also quite a few laws from Ex. 20-23 are being repeated in Deuteronomy, this is not the case with the majority, whereby it should not be doubted that these too have not lost their validity according to Deuteronomy.<sup>80</sup> Thus Deut. 27:5-6 postulates the validity of the commandments from Ex. 20:25, and likewise the law regarding the release year [*shemittah*] can only be understood when the commandments with regard to letting the land rest and lie fallow in the seventh year (Ex. 23:10-11) are presupposed. Under no condition may it be assumed that Deuteronomy wants to be considered as the only valid Book of Law, as it rather necessarily postulates another written law code which had already been given long since and the validity of which is undisputed. When, however, the Covenant legislation is presupposed in Deuteronomy, even though this is not clearly said anywhere with so many words, and even though it seems everywhere as if Deuteronomy would want to be recognized as the only valid legislation, there is nothing against stating that Deuteronomy is aware of the PC and considers it too as a known and valid code of law. Again, without explicitly saying so.

47)           c) *Deuteronomy relies on P-laws*

Positive evidence can be produced that Deuteronomy presupposes the PC as a known and valid code of law. This is first of all clearly shown by Deut. 24:8, which says: "Take heed in the plague of leprosy, that thou observe diligently, and do according to all that the priests

---

<sup>80</sup> The phenomenon that some of the laws from the Book of the Covenant appear in Deuteronomy and others do not, can be explained in two ways. Either Moses deemed it necessary with regard to quite a few of the Covenant laws to repeat and emphasize them in his speeches (perhaps in order to teach them something new - *bishvil davar shenitchadesh bo* as the Talmud says), or Moses' original speech indeed contained the entire Book of the Covenant, but the passages that only repeated the Covenant laws verbatim were not included.

and the Levites shall teach you, as I commanded them, so ye shall observe to do." This passage states explicitly that God had also commanded laws concerning the plague of leprosy to the priests: laws that can neither be found in the Book of the Covenant nor in Deuteronomy. Wellhausen and others claim that this passage does not refer to the laws on leprosy of Lev. 13-14 but to oral traditions<sup>81</sup> which were only accessible to the priests and of whom Deut. 33:9 f. also says: "For they (the priests) have observed Thy word, and keep Thy covenant. They shall teach Jacob Thine ordinances and Israel Thy law." This latter passage by itself proves emphatically that not only were oral traditions in the priests' care, but definite fixed written teachings as well. In that case "the Covenant" to be kept by the priests, can hardly be anything but the law of the Tables of the Covenant and those written in the Book of the Covenant (see Ex. 24:7; 34:27). And is it not so that Deuteronomy, too, (as the quintessence of the words of the covenant, Jer. 11:2) is recorded in written form and given in the priests' care (Deut. 31:9; 17:18). With which right then can it be assumed that the laws and teachings according to which the priests should direct themselves and judge, would only have been oral traditions according to Deuteronomy?!

Note furthermore that Deut. 24:8 does not mention a judgement made by the priests based on their own deliberations (cf. Deut. 17:8 ff.). It is rather explicitly shown: "...and according to the judgment which they shall tell thee, thou shalt do." The legislator also refers to certain divine laws which were already known to the priests even before the promulgation of Deuteronomy and the divine origin of which is not attested to only through the instructions of the priests, but already before (precisely through the written doctrine). It follows categorically from this that the precepts concerning leprosy recorded in Lev. 13-14  
 48) are being impressed on the mind in order to be carried out whereby we find the characteristic commandment that even in those cases where the law is defined beyond any doubt, it is yet only the prerogative of the priest to decide concerning it<sup>82</sup> (cf. Lev. 13:2, 9, 19, 49; 14:35 etc.).

<sup>81</sup> When the Rabbis assume a reference to oral traditions in the words *ka'asher tzivtikha* (Deut. 12:21), this causes the new critics to chuckle. And yet, the Rabbis only say this as no law concerning the way of slaughtering is to be found in the Pentateuch. In this case, however, we have the laws concerning leprosy in written form before us, and yet the critics claim that the passage in Deuteronomy relies on oral traditions!

<sup>82</sup> In Deut. 19:17 other judges appear besides the priests, just as in 17:9, 12. In 24:8, however, only the priests in accordance with the passages quoted from Leviticus. When in 21:5 it says of the priests: "...and according to their word shall every controversy be," this accidental indication of the task of the priests would not exclude that the judges also cooperate concerning the controversy, since earlier, in v. 2, the elders and judges were also mentioned. The calling of the priests to learn the law, which is tacitly implied, is anyhow only ordered in the PC. See Lev. 10:10 ff, 14:57 and the many teachings that were revealed by God to Moses and Aaron.

d) Deuteronomy 14 and the PC

From Deut. 14 it can with great certainty be proven that Deuteronomy based itself on written priestly doctrines. Deut. 14:3-20 is therefore merely an abridged repetition of Lev. 11.<sup>83</sup> The following factors show that this law in Leviticus is the original one and the one in Deuteronomy derived:

1) The expressions *le-minehu*, *le-mino*, *le-minah* are foreign to the use of language in Deuteronomy but do fit into the style of the PC, something on which both Wellhausen and Kuenen agree. Just as *sheretz* (Deut. 14:19) does not occur elsewhere in Deuteronomy, but on the other hand occurs frequently in the PC.

- 49) 2) The prohibition on touching the carcass of unclean animals (Deut. 11:8) can only have been derived from the PC, which also gives the laws of purity (Lev. 11:24-40). But in Deuteronomy, which lists only dietary laws and indicates the prohibited and the permitted foods with the terms *tahor* and *tamei* (cf. vv. 10 ff., 19 ff.), this prohibition can not be original. (Deuteronomy, however, also knows the laws of purity. Cf. 12:15, 22; 15:22, 23:11 f.; 26:14).

3) Deut. 14:20 ("Of all clean winged things ye may eat") considered by itself seems to be merely a repetition of v. 11 ("Of all clean winged things ye may eat") and is furthermore very peculiar in this passage directly following "winged swarming things" (*sheretz ha-<sup>c</sup>of*). The verse only receives its correct interpretation by means of Lev. 11. There we find, besides the unclean "winged swarming things" a further enumeration of unclean winged insects (Lev. 11:11-22). Instead of this specified list, Deuteronomy only gives the short precept of v. 20, as consumption of locusts rarely occurred and therefore inclusion in a popular law seemed unnecessary. Thus, *of* in Deut. 14:20 only refers to winged insects, as in v. 19. Such vagueness, however, can only be understood if other clear definitions are presupposed. This is also shown with regard to the precepts concerning "the things [insects] swarming upon the earth" (*shartzei ha'aretz*) [DZH] in Lev. 11:41-42, which are absent in

---

<sup>83</sup> When Kuenen (p. 254) points out that the popular listing of edible mammals (Deut. 14:4-5) is absent in Lev. 11, then this is rather an indication of the priority of Leviticus. Then certainly it is according to the general characteristics of permitted mammals (chewing the cut and split hoofs) given in Leviticus as well as in Deuteronomy that a specific listing of separate permitted animals seemed superfluous for the original law, such as the listing of individually permitted sorts of fish (which is also absent in Deuteronomy). As people are unable to establish whether the animal chews the cut or has visibly split hoofs when buying meat for consumption, the generally occurring edible mammals should be specifically listed in the popular legislation; especially as according to Deuteronomy one can slaughter anywhere and the priests are not always available for advice. With regard to fish this is not necessary as the scales and fins are visible on every fish. - Consequently, the special listing of mammals is a deuteronomic addition; cf. v. 5: *'ayal u-tzvi* with 12:15, 22 and 15:22.

Deuteronomy, likewise probably because the people refrained from consuming these loathsome creatures anyhow. In the original law these precepts cannot have been absent, which is already shown by its dependance on Lev. 11:46. The law in Deut. 14 is therefore derived.<sup>84</sup>

4) Otherwise the order of the laws in Deuteronomy corresponds completely with that of the PC. Precepts are given concerning a) mammals, b) fish, c) birds, d) winged insects, e) carrion, *neveilah*. The law concerning carrion, however, appears in Deuteronomy in a totally different form than in Leviticus. In the latter case it is a purity law. There (Lev. 11:24-40) various kinds of carrion are listed: 1) the carcass of prohibited, unclean animals, *neveilah* (vv. 24-28); 2) the carcass of swarming animals, *sheretz* (vv. 29-38); the carcass of clean mammals (vv. 39-40). It is not stated there that the carcass of clean mammals may not be eaten. Elsewhere it is prohibited only to the priests (Lev. 22:8), while a lay person is only commanded to take a bath in order to regain a pure state and wash his clothes (Lev. 17:15 f.) and, in case this is not done, he is obligated to bring a sin offering (Lev. 5:2 ff., see Dillmann *ad loc.*).<sup>85</sup> In Deuteronomy, on the other hand, it is prohibited to eat any carrion (*kol neveilah*) with the argument that Israel is a holy people (as holy as the priests, cf. Ex. 19:6). This difference between Deut. and the PC has been explained above (p. 23). From all these cases it becomes clear that Deuteronomy is younger than the PC and that the food laws of Deut. are derived from the Levitical food laws.

Kuenen (p. 254) admits that Deut. 14 corresponds with P in style. But it is his opinion that "this is explained by assuming that D, which is aware of the 'Levitical priests' and is connected with them (ch. 17:18; 31:9) and which otherwise also seems to attribute value to their teachings (24:8), adopts from them this Torah concerning 'clean and unclean', even though doing so only in an oral manner and although based on written records springing from one of them." Regarding this we note that such an agreement in wording, like the one between Lev. 11 and Deut. 14, is unthinkable if based only a common oral tradition. If not a derivation, one must necessarily think of at least a common written version, as Kuenen also admits as possible. But if D had a written priestly source available

<sup>84</sup> Dillmann (III, 606, cf. II<sup>3</sup> 525, II<sup>2</sup> 482) points out that P places the marine animals before the birds as in Gen. 1:21 f., while another source (J?) (Lev. 11:46; 20:25) has the order "the beast...the fowl...and every living creature that swarmeth upon the earth." Thus, Deuteronomy has adhered to the order in P. - In this we agree with Dillmann that the order in D which corresponds with the one in P is also a factor that speaks for a derivation of D from P. The order of Lev. 11:46, on the other hand, is no indication whatsoever that this was based on another source. Cf. the closing verses in Lev. 14:54-56 and 15:32 f.

<sup>85</sup> According to Jewish tradition one is only obligated to bring this sin offering in case one entered the sanctuary in an unclean state or ate sacred food. In my Commentary, p. 201, it is noted that this precept has its origin in the wilderness, where the entire people was encamped around the sanctuary and could only eat sacred meats, as profane slaughter was forbidden. There it was almost impossible for a person not aware of his unclean state, to enter the holy chamber and eat sacred food.

concerning 'clean and unclean,' surely this source would not just have contained these precepts. Or does Kuenen think that a little note containing the precepts concerning the prohibited and permitted animals flew into the Deuteronomist's hand by chance?! Moreover, when we see in Deut. 24:8 that D is also familiar with the priestly teachings concerning leprosy, when in 12:15 etc. it is aware of the purity laws, it is simplest to assume that the author of D had common priestly teachings in written form before him and no intelligent reasoning is needed to harmonize the identity of these teachings with those contained in Leviticus.<sup>86</sup>

#### 51) c) Deuteronomy and other P-laws

Besides these many other laws from the PC have been a model for D. In some cases they are reinterpreted by D and rendered with different expressions, as Dillmann already noted (III, p. 605 ff.). To these belong: "and thou shalt not eat the life with the flesh (*we-lo'-to'khal ha-nefesh im ha-basar*) (Deut. 12:23), cf. with Gen. 9:4 and Lev. 17:14, - "ye shall not cut yourselves, nor make any baldness between your eyes for the dead" (*lo' titgodedu - lameit*) (Deut. 14:1), cf. with Lev. 19:28<sup>87</sup> and 21:5. Instead of *sheqetz* which frequently occurs in Lev. we find *to'evah* in Deut. 14:3. In Deut. 7:26 both terms are equated, - "at even, at the going down of the sun" (*ba-erev ke-vo' ha-shemesh*) (Deut. 16:6) is an extension of the formula "at dusk" (*bein ha-erbayim*) (Ex. 12:6). The prohibition "neither shall ye rear you up a pillar" (*u-matzeivah lo'-taqimu lakhem*) (Lev. 26:1) is explained in Deut. 16:22 by adding (*'asher sanei' hashem 'eloqeikha*) "...which the Lord thy God hateth."<sup>88</sup> Deut. 22:9-11 presents itself as an expansion or elaboration of the brief prohibition in Lev. 19:19 (Dillmann, III, 344 against Kuenen). The short "thou shalt not oppress" (*lo'-ta'ashaq*) in Lev. 19:13 is explained and substantiated. Deut. 22:22 is a repetition of Lev. 20:10 with deuteronomic word use. Deut. 24:19-22 is part repetition and part elaboration of Lev. 19:9 f. Similarly, Deut. 25:13-16 relates to Lev. 19:36<sup>89</sup> as an elaboration to a basic model. At other places

<sup>86</sup> The precepts concerning leprosy were definitely connected with those concerning the sacrifices. The leprosy precepts show relations with those on sacrifices to such an extent that one can hardly be imagined without the other. The teachings on leprosy have the formulas *'ish ki*, *'adam ki* in common with the rest of the priestly teachings (cf. above p. 40). The cleansing sacrifices prescribed in Lev. 14:1-32 (cf. also vv. 49-53) correspond completely with the sacrificial laws in Lev. 1-7, v. 14:13 is practically a citation of 7:2, 7. Furthermore, the *'el-michutz la-'ir 'el maqom tahor* ("...into an unclean place without the city") in Lev. 14:40, 41-45 corresponds with *'el-michutz la-'ir 'el maqom tahor* [the MT has *machaneh*!?!] ("...without the camp unto a clean place") in Lev. 6:4 (cf. my Comm. on Lev., p. 226, note 2). Hence the author of D also had the laws of sacrifices of Lev. before him.

<sup>87</sup> The older expression שרץ is explained with the popular דגל (cf. Jer. 16:6, 41:5, 47:5, 1 Kgs. 18:28).

<sup>88</sup> See Rashi's striking remark (following Sifré), who explains this elaboration such that God hates the pillars now, while He loved them during the time of the patriarchs, Gen. 35:14 (incidentally, a P-passage).

<sup>89</sup> It should be noted how the *lo' ta'asu'avel*, with which Lev. 19:15 introduces the precept, is repeated in *kol 'oseh 'avel* with which Deut. 25:16 closes its rendition of the prohibition.

D presupposes the detailed qualifications of P. Therefore, when in Deut. 17:1 it is prohibited to sacrifice an animal with a blemish, and 15:21 only gives two examples, then the more specific qualification of Lev. 22:20 ff. is the one postulated. Likewise Deut. 22:12 ["Thou shalt make thee twisted cords upon the four corners of thy covering, wherewith thou coverest thyself"] postulates the more elaborate description in Num. 15:37-41, without which the precept in Deut. is unintelligible, and only in this specific case of *gedilim*, "twisted cords," permits *sha'atnez* (see Rashi on this passage).<sup>90</sup> Other passages rely directly on P. In Deuteronomy 10:9, 18:2 *ka-'asher dibber lo*, "as He spoke unto him" refers to Num. 18:20, 24. (cf. this same formula in Deut. 1:11, 6:19, 9:3, 11:25, 12:20, 15:6, 20:17, 26:18 ff.).<sup>91</sup> When in Deut. 23:12 a person suffering from discharge (*zav*) is excluded from the camp, this law is related to Num. 5:1-4 on the one hand and to Lev. 12:4 on the other hand, so far as the army encampment "in which God goes about" [Deut. 23:15; Num. 5:3 has: "in the midst whereof I dwell"] is considered a sanctuary. Likewise, Deut. 20:6, 28:30 when speaking of the profanation of the vineyard, can only have had Lev. 19:23-25 in view. Deut. 23:1 records a law concerning one of the forbidden marriages. It can, however, hardly be conjectured that according to D only the father's wife among the relatives would have been forbidden for marriage. Consequently, once again, the law of Lev. 18 and 20 is presupposed. In my Commentary I explain why Deuteronomy lists this particular prohibition concerning marriage. Ch. 27 indeed reproduces more prohibited marriages among the curses and the transgressor of such prohibitions is cursed. Deut. 18:9-14 is a repetition and elaboration of the prohibition in Ex. 22:17; Lev. 18:21, 19:26, 31, 20:6; 27 and serves there as an introduction to the laws concerning the prophets.

53) f) *The festival laws in Deuteronomy and P*

In the festival laws of Deuteronomy (ch. 16) no less a familiarity can be found with the corresponding laws in the PC. Although this section of Deuteronomy merely seems to follow the precepts of the Book of the Covenant (Ex. 23), a closer examination would easily discover instances leading to the assumption of a dependence of Deuteronomy on the PC.<sup>92</sup> In the Book of the Covenant the three pilgrimage festivals appear independently from each other. Only in Lev. 23 do we learn that *shav'ot* is dependent on the *chag ha-matzot* and in

<sup>90</sup> [Rashi says: "You shall make for yourself twisted cords upon the four corners of your covering", be they even from a mixture of wool and linen; for this reason Scripture puts them (the prohibition of *sha'atnez* and the command of *tztztu*) in juxtaposition (Yeb. 4a). See also Hoffmann *l.c.*, Comm. on Deut 11, p. 23]

<sup>91</sup> In all passages where Deuteronomy has *ka-'asher dibber*, the corresponding passage can be demonstrated from the earlier books of the Pentateuch. Compare e.g.: Deut. 1:11 with Gen. 15:5, 28:14; Deut. 12:20 with Ex. 34:24; Deut. 20:17 with Ex. 34:11 ff.; Deut. 26:18 with Ex. 19:5.

<sup>92</sup> With regard to *pesach* and *chag hamatzot*, cf. Riehm in *St. u. Kr.*, 1868, p. 362.

a way constitutes its concluding festival.<sup>93</sup> The festival laws of Lev. 23 have therefore been divided into two sections, both of which are indicated by the concluding sentence, "I am the Lord, your God" (vv. 22 and 43). Section one contains the spring festivals: the Pesach festival and its concluding festival, Shavuot. Section two deals with the autumn festivals: Sukkot, the two festivals preceding it and its concluding festival. Likewise, however, Deut. 16 explains Shavuot as belonging to and depending on the Pesach festival. More precisely because in this text both festivals are preceded by a concluding admonition which applies to both (v. 12),<sup>94</sup> actually by means of the precept to celebrate Shavuot seven weeks after the beginning of the harvest, which, concluding from v. 7 and the expression *chodesh ha-aviv*, took place at the time of the Pesach festival. It should be noted that Deuteronomy, while it does not explicitly say that the harvest commences at the time of the Pesach festival, it does consider Lev. 23:11 as being known (cf. Dillmann III, 314).<sup>95</sup>

A curious agreement between Deuteronomy and the PC is seen as well in the commandment in Deuteronomy that only one day of the Pesach festival (cf. Dillmann on Deut. 16:7), but on the other hand, all seven days of the Sukkot festival should be celebrated in the chosen city. Just as the PC only refers to the first day of the Feast of Matzot as *chag*,<sup>96</sup> but on the other hand, all seven days of Sukkot are called such (Lev. 23:5, 34; Num. 28:17; 29:12). In the Book of the Covenant (Ex. 23:15; 34:18) the seven days of the Feast of Matzot are not distinguished from one another, and in Ex. 13:6 the seventh day is simply called *chag*. Thus, with regard to this issue Deuteronomy is openly based on the PC.

- 54) Furthermore, with regard to festival days no work prohibition is promulgated, although immediately before, total rest is enjoined for the Sabbath. On the other hand, in Deut. 16:8 labor is explicitly prohibited at least for the seventh day of Pesach. As it is, there is no basis whatsoever why of all other festival days a distinction is made only for the seventh day. It may therefore be assumed that Deuteronomy prohibits work on all holy festival days, just as the PC. It says so explicitly once again only for the seventh day of Pesach, because it might be thought that work would be permitted on this day as it is not celebrated at the Sanctuary and falls in the harvest time.<sup>97</sup>

<sup>93</sup> Cf. in this regard my article on *Pent. Ges.*, p. 11.

<sup>94</sup> Deut. 16:12: "And thou shalt remember that thou wast a bondman in Egypt; and thou shalt observe and do these statutes." It is obvious that with "these statutes" is not simply meant, as quite a few interpreters do, the one immediately preceding precept concerning the free will offering. This verse is rather a concluding exhortation to all preceding festival regulations; cf. Ex. 12:24, 13:10.

<sup>95</sup> The name *chag shavuot* in Ex. 34:22 presupposes likewise the counting of seven weeks prescribed in Lev. 23. This tallies with my claim, which I prove in my Commentary on Leviticus, that Lev. 23 is a law from Sinai which was revealed before Ex. 34.

<sup>96</sup> See my Commentary on Lev. 23. [*chag* = festival].

<sup>97</sup> Cf. Dillmann III, p. 608 ff. and cf. my article about *Pent. Ges.*, p. 27.



Finally it should be noted that the name *chag ha-sukkot* (Deut. 16:13, 16:31:10) is only used in the PC and is explained in the commandments of Lev. 23:42, while in Ex. 23:16:34:22 this festival is called *chag ha-'asif*. Yet, the name *'azeret* (Deut. 16:8) for the last day of Pesach originates from the PC where it serves to describe the concluding festival of Sukkot (Lev. 23:36). In both law codices this word appears as a term describing a festival day of which the main character of its celebration lies in its abstention of all kind of labor. The prohibition "thou shalt do no work therein" always comes as an explanation to these words.<sup>98</sup> The term *chipazon*, "haste" (Deut. 16:3), too, is derived from the PC (Ex. 12:11).

g) *Deuteronomy 12 and P*

In relation to the laws on secular slaughter in Deut. 12 we already demonstrated [p. 9] that it can only be based on Lev. 17. Concerning Deut. 12 the following can yet be said. When considering Deut. 12:8-28, we find there one list of precepts presented twice. Deut. 12:8-18 is identical to Deut. 12:20-27. Both passages contain the following precepts:

- 55) 1) The holy sacrifices may only be brought and eaten at selected places (vv. 8-14; 17-18 = vv. 26-27);
- 2) Secular slaughter is permitted anywhere in the land; one should only abstain from the consumption of blood (vv. 15-16 = vv. 20-25).

It becomes clear upon careful examination that, despite a similarity in content, Deut. 12:8-18 proceeds from a different point of view than Deut. 12:20-27. The first legislation postulates that in the present time sacrifice takes place anywhere: "every man [do] whatsoever is right in his own eyes" (v. 8). There the arbitrariness in bringing the holy offerings is specifically and explicitly prohibited. And lest we think that all slaughter outside the selected areas would be forbidden, v. 15 shows that the previous prohibition is only restricted to holy sacrifices and that secular slaughter is permitted everywhere. Consequently, we have here a law of prohibition, which in one respect has a restriction. The case is different with regard to the law of vv. 20-27. This one has a totally different point of departure. In the present the entire people exists in the proximity of the Sanctuary and may therefore not slaughter anything which is not also brought as a sacrifice to God. In the future, however, different circumstances will arise. The people of Israel will be living in a big country and the Sanctuary will be too far away from most people's places of residence. It is for this period, then, that slaughter and consumption of meat is permitted anywhere. However, a restriction is introduced in v. 26, stating: "Only thy holy things which thou hast, and thy vows, thou shalt take, and go unto the place which the Lord shall choose." In

<sup>98</sup> The reason why Deuteronomy bestows the name *'azeret* on the seventh day of Pesach, while the PC does not use this name with regard to the Feast of Matzot, can be found in my Comm. on Lev. 23:36.

this second law we see that an existing prohibition is being revoked and it only retains some of its force with regard to issues already known.

It is obvious that this second law (vv. 20-27) wants to add to the definition of Lev. 17. The "altar of the Lord" of Deut. 12:27 is the one mentioned in Lev. 17:6. The basis of the prohibition on blood in Deut. 12:23 is the same as in Lev. 17:11, 14 (cf. also Gen. 9:4), and the entire law in Deut. 12:20 ff. can only be understood as a revocation of the strictest interpretation in Lev. 17:1-4 (see above, p. 9 ff.).

56) What, however, is the basis of the first law (Deut. 12:8-19)? It may be assumed that it is directed against the precept in Ex. 20:24 [?] which seems to permit the abundant number of altars, but it should really be kept in mind that the law in question was aimed at the Israelites in the land to the east of the Jordan. It says there: "Ye shall not do after all that we do here (*po*) this day... - for ye are not as yet come to the rest and to the inheritance - but when ye go over the Jordan..." (vv. 8-10). These sentences assign our law decidedly to a place in the land to the east of the Jordan.<sup>99</sup> indeed, the emphasis *po hayom* (v. 8) clearly says that only in the most recent times in Israel's present places of residence this freedom in choice of places of sacrifice has taken effect and that before, during the entire period of wandering in the wilderness, this was not the case. As it seems, the Israelites did not dwell in one single camp in the land across the Jordan, but rather scattered in the towns (cf. Num. 21:25, 31), and there everyone "did whatsoever was right in his own eyes." Slaughter and sacrifice took place at any altar or high place,<sup>100</sup> as the prohibition of Lev. 17 could not be observed under the circumstances. Our law (Deut. 12:8-18), following the silence that had developed, intends to strictly prohibit this present use or abuse.<sup>101</sup> Consequently, this law is younger than the one in vv. 20-27.<sup>102</sup> The latter belongs to the old

<sup>99</sup> Cf. above, p. 44.

<sup>100</sup> Ex. 20:28 seems to refer to this fact when he relates that the sacrifices took place at the high places right on entering the land (*we-'aviyem*). These words, however, should be understood as 'right after the conquest of the land to the east of the Jordan.'

<sup>101</sup> See Ibn Ezra, l.c.

<sup>102</sup> Cornill draws attention to two doublets: vv. 5-7 with 11-12 and 15-19 with 20-28 (the latter is also recognized by Stade, *Gesch. Isr.* I, 658). Vv. 5-7 definitely anticipate, v. 8 connects loosely with v. 4. It is clear that vv. 15-19 and 20-28 do not have to be next to each other (Holzinger, 264). Steinthal (*Zeitschr. für Völkerpsychologie etc.*, 1880, XI, pp. 7-13) distinguishes 7 fragments in this chapter (A: 1-7; B: ...8-12; C: ...13-16; D: ...17-19; E: ...20 ...26-28; F: ...21-25; G: ...29-31; and 13:1). Horst (*Revue de l'histoire des religions* XVI, 511-56) at first follows G. d'Eichthal in disassembling ch. 12 into two documents: vv. 1-3, 29-31 and 4-28, but is then convinced that 4-28 is compiled from four different texts (a: 4-7, 21-23; b: 8-12; c: 13-19; d: 20, 24-28). Among these four fragments are three (a, c, d) complete precepts concerning the cult, vv. 8-12 merely being a prohibition to worship outside of Jerusalem (Holzinger, 293). Already in 1873 Zunz (*DMZ*, p. 669) assumed a threefold recension (a: 5-7, 11-12 (repeated in 17-18); b: 13-16; c: 20-27). After all these explanations presented above it is my opinion that the simplest division of two groups of laws is the one that Moses himself expressed.

Sinai legislation (using the deuteronomic idiom) and is in fact an addition to Lev. 17:1-9, and was probably already given on Mount Sinai, and not at all only in the fortieth year. <sup>103</sup>

57) h) *The historical presuppositions of Deuteronomy*

We have yet to consider the historical presuppositions in Deuteronomy. At this point we should first state, that it is at least very bold to attempt to identify from the historical data scattered throughout the admonition speeches of a prophet with certainty the sources which provided this prophet with his material. Let us approach Ez. 20 with this method in mind and establish whether JE, P, or any such source lies at its basis! Every conclusion derived in this way is necessarily misleading; and when in addition *argumenta ex silentio* are being drawn into the skirmish, it seems to us that the outcome of the examination is decided rather because of the confident tone with which it is being proclaimed than that it is supported by sound proof.

Wellhausen <sup>104</sup> asserts: "That which is characteristic for the PC, is tacitly disregarded (in Deuteronomy) and skips over from Ex. 34 straight to Num. 10. While not a few narratives, which Deuteronomy refers back to or hints at, only appear in JE and not in Q, the opposite is not the case." It is astonishing that for such a general assertion not one example is presented as evidence. At first sight the statement "and skips over from Ex. 34 straight to Num. 10" seems to be decisive evidence. Only, it has not been taken into account that this entire pentateuchal passage, with the exception of an account of the erection and consecration of the Tabernacle, only consists of laws. Concerning a great part of these laws (the laws on leprosy) Deuteronomy refers back in a clear way (see p. 47) and another part (the dietary laws) are quoted verbatim (see p. 48). Could one ask for more! <sup>105</sup> Only the story about the Tabernacle is still missing. According to Wellhausen <sup>106</sup> and all moderns, however, it is necessary that also in JE between Ex. 33:6 and 7 mention should be made of the construction of a holy tent [*'ohel mo'ed*] (in any case after 33:7 one such tent is available in the wilderness), and yet, in Deuteronomy not a trace is found of this tent! This can be explained in the sense that Deuteronomy only has a fixed immovable *maqom 'asher yivchar* in mind and does not want to speak of the mobile tent. After this the proof of the non-mentioning of the Tent of Meeting is reduced to zero.

---

<sup>103</sup> Concerning the Decalogue in Ex. 20 and Deut. 5 see Riehm, *St. u. Kr.*, 1872, p. 305.

<sup>104</sup> *Gesch. Isr.*, p. 384, p<sup>2</sup>, 395.

<sup>105</sup> Note the circular argument: the newest critics do not want to admit that Deut. 24:8 and Deut. 14 had the written laws of Lev. 11-15 in mind, "as D does not know of the PC." However, they prove that Deuteronomy would not be aware of the PC by asserting that Deuteronomy does not take the entire book of Leviticus into account.

<sup>106</sup> *Gesch. Isr.*, p. 382, p<sup>2</sup>, 393.

But with a few different examples against Wellhausen the basis for another assertion can be established: in all instances where a clear difference can be seen among all the narratives available in JE as well as in Q (PC), Deuteronomy follows the version of JE.<sup>107</sup> Granting that this be true, may one then draw the conclusion that D was not aware of the PC? In that case, according to the newest critics, the post-exilic writers, who are always in agreement with the PC, cannot have been aware of JE and D! But already by its own account this assertion is incorrect. - We will now examine the examples:

- 1) "The spies went out from Kadesh, not from the wilderness of Paran" - But in one of the verses (Num. 13:26) which definitely belong to Q(PC), the words "unto the wilderness of Paran, to Kadesh" are found. This is proof that the name "the wilderness of Paran" in Q is identical with "Kadesh" and that "Kadesh" is in no way unknown to Q. When, however, through tendency criticism "unto Kadesh" in Num. 13:26 is regarded as an interpolation, we can only wonder why such an interpolation would not have occurred even earlier with regard to v.3? And if, from the fact that D only uses the name Kadesh and not also "Paran," one would reach the conclusion that D had been ignorant of the PC, then one might as well conclude from the fact that D only uses "Horeb" and not "Sinai," that D knew only of J and not of E; which really would be absurd. One could say: "Paran" relates to "Kadesh" as "Sinai" to "Horeb;" cf. Deut. 33:2. Compare also "the wilderness of Zin," Num. 13:21 with Num. 20:1; 33:36.
- 59) 2) "The spies only came until Hebron, not nearly unto Hamath" - It is, however, only the imagination of the critics, that according to JE the spies would have come until Hebron. The account in Num. 13:29: "Amalek dwelleth in the land of the South; and the Hittite, and the Jebusite, and the Amorite, dwell in the mountains; and the Canaanite dwelleth by the sea, and along by the side of the Jordan," says with certainty that they spied out the land in all its directions and penetrated beyond Hebron northward. The only reason that the issue of the spies reaching the valley of Eshkol [Deut. 1:24] near Hebron, is emphasized is that the sight of the giant Anakim produced the well known fatal effect on the spies (see Num. 13:28, 33; Deut. 1:28; 2:10, 21). In Deut., too, this fact is especially emphasized, because its speeches often refer to God's miraculous deed providing Israel with a victory over the sons of the Anakim, (Deut. 9:2) who up to then had proved to be invincible. In view of the significance of Hebron and the Anakim, it is easily explained why D does not mention the other journeys of the spies.

---

<sup>107</sup> Wellhausen, *Gesch. Isr.*, p. 384.

3) "Kaleb belongs to the spies, but not Joshua." - Only Kayser <sup>108</sup> has nevertheless challenged that in JE only Kaleb and not Joshua would have belonged to the spies, despite the fact that he shares Graf's point of view. Num. 13:6 ff.; 14:30; 32:12 (see also Josh. 14:6, where without any basis Kuenen (p. 325) declares "and concerning thee" (*'al 'odoteikha*) to be an interpolation) speak emphatically against this. If Joshua is not mentioned in Deut. 1:36, this is only because immediately following (v. 38) it says about him that he will enter the Holy Land as leader at the head of Israel.

4) "The rebels of Num. 16 are the Rubenites, Dathan and Abiram, and not Korah and the Levites." - The PC, however, counts Dathan and Abiram also among the rebels: Num. 26:9. <sup>109</sup> D (11:6) refers to this event only in passing. Deuteronomy only mentions the terrible punishment of Dathan and Abiram as a warning example, and not the Levites who stood out among those zealous for God and whom D considers as teachers of the people. Truly no better reason for this can be found than that D would have had no knowledge of the story about Korah?! See Knobel, Keil and Schulz on Deut. 11:6. <sup>110</sup>

5) "After the settlement the people must deal with Moab and Ammon [Deut. 23:4] and not with Midian; the dealings of Bileam are with the former and not with the latter." - But also in JE the elders of Moab make common cause with the elders of Midian; see Num. 22:4, 7. Wellhausen, <sup>111</sup> to be sure, says that the words "'the elders of Midian' are influenced by Q." With this sort of criticism anything can freely be proven from anything. In the entire passage no trace of Q is provided, and yet, for the sake of the preconceived opinion, Midian is to be derived from it!! <sup>112</sup> Ammon again, does not enter into relations with Israel either in Q nor in JE. Deuteronomy, therefore, goes its own way and is independent from both Q and JE. If according to Deut. it is Ammon and Moab that should stay far from Israel and not Midian (23:4), the latter shares the same fate with Amalek. Because of its proven hostility towards Israel it is to be exterminated by the sword, in the time of Moses as well as in the time of Gideon.

<sup>108</sup> *Das vorexilische Buch der Urgeschichte Israels*, p. 81.

<sup>109</sup> Kuenen (p. 96 and 321), Kayser and others declare Num. 26:9-11 for a later addition to P. Only, as in the entire chapter not one later addition can be discovered, the isolation of these verses must therefore be explained as tendency criticism, through which all passages that contradict the hypothesis can easily be discharged.

<sup>110</sup> When Num. 26:11 makes particular reference of that fact that Korah's sons did not die, than this proves in which high esteem the sons of Korah were held. This is also the simplest explanation for the fact that D conceals the sin of their father. Just as Chronicles conceals David's sin with Bathsheba. Or would it be so that the author of Ps. 106, which mentions also only Dathan and Abiram in v. 17, also had never heard of Korah?!

<sup>111</sup> *JdTh*, 1876, p. 579.

<sup>112</sup> See Dillmann, III, p. 141, who, based on different arguments, reaches Wellhausen's view and designates Num. 22:4 to J, which also mentions the relation between Moab with Midian.

These are all the examples forming the basis of Wellhausen's assertion that in D we find only JE and not the PC reflected. I am convinced, that an assertion resting on such weak supports can be refuted in no time; and even if my arguments have no demonstrative force, on the one hand they may offer sufficient counter influence against Wellhausen's bogus arguments, and on the other hand affirm the results of our examination obtained through different proofs. First of all one should be reminded of the issues that Nöldeke and Wellhausen already advanced as signs of D's familiarity with the PC; Wellhausen, however, believes that these signs are not strong enough to undermine the foundation of the counter proofs. They are: the ark of acacia-wood (Deut. 10:3), the twelve spies (Deut. 1:23),  
 61) the seventy Israelites who went down to Egypt (Deut. 10:22), and the deuteronomic addition to Josh. 20 which belongs to the PC (Wellh., *G.I.*, 382-87).<sup>113</sup> See furthermore Josh. 5:10 (*ba'erev* against *bein ha-'arbayim*); 9:18-19 (*elokei yisra'el*); 13:20 ff., and especially ch. 22. To this, two passages from the Books of Kings that derive from the PC should be added: "Israel shall be thy name" (1 Kgs. 18:31 from Gen. 35:10); "and he was filled with wisdom, and understanding and skill to work all works in brass" (1 Kgs. 7:14, derived from Ex. 31:3 f.; 35:31 f.).

D's familiarity with the narrative of the PC is apparent from the following passages: Deut. 2:14 says: "And the days in which we came from Kadesh-barnea, until we were come over the brook Zered, were thirty and eight years." The forty years of wandering through the wilderness is found in all traditions; that, however, from Kadesh-Barnea to the crossing of the brook Zered exactly thirty eight years had passed, can only be calculated with the help of the dates in the PC. According to Num. 10:11 the departure from Sinai takes place in the second year on the twentieth of the second month. With several interruptions (at least of one month and seven days - Num. 11:20; 12:15) the journey goes to Kadesh. From here the spies are sent, who will be under way for forty days. The return of the spies occurs therefore approximately in the fifth month of the second year. According to Num. 33:38 Aaron dies in the fortieth year on the first of the fifth month. Immediately thereafter the Israelites cross the brook Zered; Num. 21:12. This event, thus, occurs exactly thirty eight years after the mission of the spies. If D (or R<sup>d</sup>) were not dependent upon the PC, then no reason is known why for the many events from the departure from Egypt until Kadesh only a little over a year elapsed and for the journey from Kadesh up to the brook of Zered thirty eight years are

<sup>113</sup> Verse 3, *biv'li da'at* vv. 4-6. From this Dillmann (III, 568) proves that R<sup>d</sup> was familiar with and used the PC. When Kuenen (p. 126) based himself on the LXX text, where *biv'li da'at* in v. 3, as well as vv. 4-6 are absent, Dillmann rightly pointed out that the LXX version of Joshua frequently omits entire verses and passages and that, therefore, here too the LXX text cannot be decisive.

claimed. In any case Deut. 2:14-16 corresponds in word and content with the PC.<sup>114</sup> It is repeated here once again that only the military men died in the wilderness. The passage which, according to Wellhausen, is closest to D in content, Num. 32:11, says that only the men "from twenty years old and upward" would die. In the narrative of the spies, however, this is only related by the PC, just like in any case the obligation of military service for men of twenty years and up is only contained in the PC. In JE no trace of it can be found.

The expressions in Deuteronomy, *zakhar 'o negevah* (4:16), *bara'* (4:32), *hiqshah ru'ach* (2:30), *morashah* (35:4), are typical for the PC. Furthermore, the passages *we-tzaw 'et yehoshua* in Deut. 3:28 (see also Deut. 31:14), *we-tziwita' 'oto* of the PC (Num. 27:19, cf. v. 22), and God's commandment to Moses to get up to the top of the Pisgah and to behold the Promised Land (Deut. 3:27), likewise, can only be found in the PC (Num. 27:12; Deut. 32:49; 34:1). Finally, the threat with the "boil of Egypt" (Deut. 28:27, cf. v. 60 and Deut. 7:15) can only intend the narrative in Ex. 9:8-11, which belongs to the PC. (See Dillmann on that passage).

Based on everything said so far in this chapter it can be considered proven that D is aware of the laws (*torot*) of the PC; that these are often presupposed if not quoted in D. Furthermore, that in the historical speeches of D nothing is found which would imply ignorance of the narrative in the PC, but rather, that everywhere, where applicable, all available narratives of the first four books of the Pentateuch are reflected upon. We can therefore state emphatically that D presupposes the first four books in their present form and has been added as a conclusion to the entire code of law from the beginning. It is superfluous to state that the result of our examination of how D relates to the PC is incompatible with the newest hypothesis concerning the PC and that the supporters of this view can only stand their ground against the obstacles raised here, with the help of all sorts of makeshift measures.<sup>115</sup>

(6,3)

### **The Promulgation of the PC**

Wellhausen and his school move the promulgation of the PC to the year 444 and through the external witness of Neh. 8 9, also intend to confirm that the PC was proclaimed Israel's code of law only after the Exile under Ezra and Nehemiah. It is told there how the

<sup>114</sup> Completely unfounded, Dillmann relegates Deut. 2:14b-16 to R<sup>d</sup>; but even granted this, this passage forms clear proof that at least R<sup>d</sup> knew of the PC, which, of course, is something the modern school cannot admit to.

<sup>115</sup> Mention should still be made of the relationship between the threats of punishment in Lev. 26 and those in Deut. 28. I have pointed out in my commentary on Lev. that here too the priority rests with Lev. and that Deut. 28 shows itself to be dependent on Lev. 26. Of great importance is still: P does not presuppose a code of law, while at the time of Jeremiah and Ezekiel, and even more during and after the Exile Deuteronomy was considered to be the generally accepted and recognized Mosaic code of law. The PC had a need for D as an expansion. What should be done with the Tent of Meeting in the Holy Land? Should a centralized sanctuary be introduced or not? Only D answers these questions. See Josh. 18 and 22. See also Halévy, *Rech. bibl.* II, p. 435 ff.

secular and religious officers and elders of the community, <sup>116</sup> eighty five in number, commit themselves in writing to the code of law promulgated by Ezra and all others commit themselves by means of oath and curse to walk according to God's Torah and to observe its statutes and laws. According to Wellhausen (*Gesch.*, p. 425 [= p. 408]) "it is obvious that Neh. 8-11 is a close parallel to II Kgs. 22-23; especially to 23:1-3. There we read that Josiah went up to the Temple with 'the prophets and all the people, both small and great;' where he read to the assemblage all the words of the Book of the Law, and bound himself with all the people before God to keep all the words of the book. "Just as it is evident that Deuteronomy became known in the year 621, and that it was unknown up to that date, so it is in evidence that the other [*anderweitigen* / remaining] Torah of the Pentateuch [for there is no doubt that the law of Ezra was the whole Pentateuch] became known in the year 444 and was unknown till then."

Unfortunately this argument proves too much, as there is not the slightest question in Neh. 8-10 of an 'other Torah of the Pentateuch.' Rather the people commit themselves to the entire Torah and in the first place to those laws which are not found in the 'other Torah' but are prescribed in Deuteronomy and in JE, which is older in any case.

- (4) The first and most important purpose of the solemn assembly, of which Neh. 8-10 speaks, was undoubtedly "and the seed of Israel separated themselves from all foreigners" (Neh. 9:2; 10:29, 31). Some fourteen years earlier Ezra had already attempted to carry out a strict isolation of the exiles who returned to their land from the pagan and semi-pagan inhabitants (Ezra 9-10); but it seems that he was not entirely successful, or that a relapse was to be feared, which in fact really happened later (see Mal. 2:11). Firstly, the assembly committed itself not to intermarry with the inhabitants of the land (Neh. 10:31), a law which is superbly enjoined in Deuteronomy, but not in the PC (Deut. 7:3 ff., see Ex. 34:16). Secondly, they committed themselves to observe the Sabbath strictly and not to make any purchases on that day (Neh. 10:32a). This, too, is an old law which had already been commanded in the Decalogue, but until then and even later (Neh. 13:15 ff.) had been neglected by the people. Thirdly, an oath was sworn that the fruit of the seventh year would be released for the poor, just as in that year debts are absolved. These are old precepts of JE (Ex. 23:11 and Deut. 15:1 ff.), which, until then had hardly been observed (see Lev. 26:34; II Chron. 36:21) and the strict execution of which was urgently demanded by the circumstances of

<sup>116</sup> It should be noted here that the term most frequently used for 'community' (*'edah*) in the PC does not occur in Neh. 8-10, but only *bnei yisra'el*, *'am*, and one time also *qahal* (8:17). And still the Wellhausenians want to make us believe that the term *'edah* would refer to a religious community as it had come into existence in Jerusalem and surroundings after the Exile! [See on the use of these terms also, Jacob Milgrom, "Priestly Terminology and the Political and Social Structure of Pre-Monarchic Israel," *JQR* 69(1978): 65-81]



the period (see Neh. 5:10). <sup>117</sup> The contributions for the Temple and priests come only on the fourth place. But there, too, it would be wrong to think that it is a matter of sanctioning the PC. Nothing could be farther from the truth! The individual ordinances much rather show modifications, forced by the circumstances, to decisions of the PC, in such a way that one can see the impossibility of the latter codex having been written in this period. They lay ordinances on themselves to charge themselves yearly with the third part of the shekel for the service of the house of God (Neh. 10:33); according to Ex. 30:11 ff. half a shekel is due. Furthermore it is decided to bring the wood offering to the Temple at appointed times (Neh. 10:35), about which nothing is written at all elsewhere in the Torah [despite the fact that this verse explicitly says so!]. The next provision of bringing the first fruits of every year to the house of the Lord (Neh. 10:36) corresponds in idiom more with the precept of JE (Ex. 23:19) more than the instructions of the PC, where it is said that the first fruits belong to the priests (Num. 18:13). <sup>118</sup> The concluding precepts with regard to

65) the contributions to the priests and the Levites (Neh. 10:37-40) do not in fact contradict the PC, but some very important gifts are absent, such as: guilt- and sin-offerings (Lev. 7:7; Num. 18:9), the meal-offering and the skin of the burnt-offering (Lev. 7:8; 6:9; Num. 18:9), the breast and the thigh of the peace-offerings (Lev. 7:34 etc.). Among the other holy gifts the tithe of the herd (Lev. 27:32) and the fruits of the fourth year (Lev. 19:25) are absent. It is clear then that we are not dealing here with a promulgation of the PC at all. The people are rather enjoined to keep the whole Torah whereby especially those commandments are emphasized which were neglected in those days and which because of the conditions of the time very urgently needed to be enforced (see Ezra 9-10; Neh. 13:15 ff., Neh. 5:10; Mal. 3:8-10). From this we can conclude that Neh. 9-10 proves the opposite from what Wellhausen wants to read into it, namely that in the assembly of the people, about which this passage relates, the PC was considered to be a book of law known and accepted of old, just like the other parts of the Pentateuch. Therefore, just as the remaining laws of the Pentateuch were not sanctioned for the first time at that occasion, likewise the PC cannot have been promulgated there for the first time.

<sup>117</sup> It should further be noted that the eulogy recited by the Levites (Neh. 9:5-37) before the solemn commitment of the people does not make use (or hardly ever) of the idiom of the PC, but borrows expressions from the entire Torah. Compare 9:6 with Deut. 9:14; Ex. 20:11 - 9:7 f. with Gen. 15:6, 7, 18 - 9:9-11 with Ex. 3:7; 18:11; 15:5 - 9:12 with Ex. 13:21; 18:20 - 9:13 f. with Ex. 19:20; 20:22; 20:8 - 9:15 with Ex. 16:4; 17:6 (cf. Num. 20:8 PC) - 9:17 with Num. 14:4, 18 (cf. Ex. 34:6) - 9:18 with Ex. 32:4 - 9:21 f. with Deut. 8:4; 29:4, 6 - 9:25 with Deut. 6:11 - 9:32 with Deut. 10:17; 7:9; Ex. 18:8.

<sup>118</sup> It is strange that in Num. 18:12-13 the difference between the first fruits that are not brought to the Sanctuary, and the *bikkurim* which do have to be brought to the Sanctuary (cf. Deut. 26:1 ff.), is only hinted at. Concerning the former it says: "which they give unto the Lord," while with regard to the latter it says: "which they bring unto the Lord." Only when Ex. 23:19 is presupposed, can it be understood that the PC is not clearer on this issue. This proves the unity of PC and JE. Nehemiah, however, uses the expression, "to the House of the Lord" from Exodus and "fruit" from Deut. 26:2; despite the criticism.

### Kuenen's View on Ezra's Book of Law

Despite the clear evidence that Ezra's Book of Law comprised the entire Pentateuch, Kuenen claims (*Eint.*, p. 211) that the Law accepted by the assembly of the people was no other than the priestly law (see note 10). However, he gives no other reason than that some of the obligations accepted by the people at the public reading would have had their origin in the PC and these obligations differ from the commandments written in Deuteronomy. As if the returned exiles collectively, with Ezra as their leader, would have been Pentateuch critics, cutting it up into its component parts and noticing between them the contradictions, and then asking themselves which of the documents would have been authoritative for the practical performance!! One really only has to glance at the narrative in Neh. 8-10 in order to admit that the entire assembly knew of only one Torah of God, the collective precepts of which were held as both divine and binding and had no idea whatsoever of any of these precepts possibly contradicting one another.

But let Kuenen present some of his arguments; we will indicate them with numbers:

1) "The provisions with regard to the celebration of the Feast of Sukkot, which, according to Neh.8:13-18 was promulgated by Ezra and then accepted by the people, are found in Lev. 2:40-43; the eight day festival (Neh. 8:28) in Lev. 23:39, a regulation which deviates from Deut. 16:13-15." - But Neh. 8:18 says nothing else than, "and they kept the feast seven days; and on the eighth day was a solemn assembly, according to the ordinance". Does Kuenen therefore think that when the returned exiles had had the entire Pentateuch before them and read that in Leviticus besides the seven-day Feast of Sukkot an "Eighth Day of Assembly" [*hayom ha-shemini 'atzeret*] was commanded, and in Deuteronomy there is only mention of the first seven festival days - that then they would only have celebrated seven days?! - Surely the Chronicler knew of both, apparently contradicting, laws (and that the Chronicler knew of the entire Torah Kuenen also admits) and yet he relates that already King Solomon celebrated the Eighth Day of Assembly (II Chron. 7:9).

2) "The obligations which are accepted upon themselves by all the signatories of the Covenant Document (Neh. 10:30-40), are those which P places upon them. This applies especially to: a) the observance of the Sabbath rest and the sabbatical year (v. 32); b) the contribution in the costs of the showbread, for the daily as well as the remaining sacrifices (v. 33 f.); c) the bringing of the first fruits; d) the first born of both man and animal; e) and the tithes to the Levites of the fruits of the land, who, in turn, had to separate tithes for the

priests (vv. 36-40). Kuenen, furthermore, remarks, that the vv. 36-40 agree with Num. 18, but differ from Deut. 18:1 ff.; 14:22-29; 15:19-23.

- 67) I am especially astonished to see Kuenen propound such absolutely false assertions. Let us examine the list:

*ad a/* The Sabbath rest has already been commanded in the Decalogue (Ex. 20), and not the slightest indication can be discovered that Neh. 10 is thinking of a passage from P. Contrary to what is said in Neh. 10:32 with regard to the sabbatical year, it is exactly P which is not taken into consideration but only Deuteronomy and the Book of the Covenant. It says there: "and that we would forego [*we-nittosh*] the seventh year, and the exaction of every debt [*u-maseh yad*]". The expression *we-nittosh* has been borrowed from the Book of the Covenant (Ex. 23:11); *kol maseh yad* comes from Deut. 15:2 ("every creditor shall release that which he hath lent"), while in the legislation of P, concerning the year in which the land lies fallow in Lev. 25 there is no mention of a release of debt. I find it totally incomprehensible, in view of such facts, that it could be possible to claim that the assembled people only had the PC before them.

*ad b/* The contribution to the sacrifices has been enjoined in P, but different from Neh. 10 (<sup>1</sup> 2 shekel instead of <sup>1</sup> 3), and nothing is found in the other parts of the Pentateuch to contradict this. These verses can only prove that P is *also* taken into account - which, by the way, nobody denies.

*ad c/* Above (p. 64 f.) we have already stated that the obligation of bringing the first fruits, as far as idiom is concerned, has been borrowed from the Book of the Covenant (Ex. 23:19).

*ad d/* With regard to the firstlings the criticism sees a difference between Num. 18, according to which they are given to the priests, and Deut. 15:19-23, which decrees that they be brought to the holy city and consumed there. Conceding this (but not permitting it), when the assembly under the leadership of the priests and the Levites, opts for P and not for D, there is also a glimmer of evidence, that they had not had D before them. In any case, apart from the fact that this commandment sought from them the well-being of and benefit for the priests, they did not transgress against Deuteronomy in this regard, when the priests would be given the firstlings to the priests so that they might be consumed in the holy city.

*ad e/* Concerning the tithes too, the criticism finds a difference between P and D. The tradition conciliates this as it assumes a twofold tithe: one a Levitical and another a sacred one, to be consumed by the owner as peace offering in the chosen place. The Chronicler

already speaks in this way (II Chron. 31:6; the first tithe in v. 5). Why then would Ezra, if he had the entire Pentateuch before him, not have harmonized the difference in the same way?

- 68) It would then be natural that the assembly would only have committed themselves to observe the Levitical tithes, as the second tithe remained their possession and only enjoined upon them the minimal effort of consuming it in Jerusalem. An obligation gladly honored, as the entire population lived in the vicinity of Jerusalem.<sup>119</sup> Admittedly, even if in Ezra's time the harmonization of this contradiction was unknown, then Neh. 10:38 ff. still only proves that from the two contradicting commandments P was accepted as the one that was required for the upkeep of the priests. There is not the slightest indication there that the reason for this choice would have been the ignorance with regard to the existence of D.

3) How does Kuenen explain the obligation of refraining from marriages with pagans? Let us hear his words: "The prohibition of entering into marriage with the Canaanites, to which Ezra and Nehemiah refer in justification for their exclusivity, is already found in other legislative texts (Ex. 34:12-16; Deut. 7:1 ff.) and is repeated and presupposed by P (Num. 33:51-56; Lev. 18:20)." We are unable to detect any trace of the prohibition to intermarry with the Canaanites in the places from P he presents. According to the tradition which teaches the unity of the Torah, it is certainly postulated by P; P does presuppose the Book of the Covenant. Not so, however, according to the critics who declare P to be an independent document. How then comes the collection (which had the new legislation of P in front) to oblige everyone to avoid marriage with the inhabitants of the Land. This can only be explained if the entire Pentateuch underlies these texts, as it is also explicitly explained in the following account in Neh. 13:1, which states that the pericope of Deut. 23:4 ff. was read to the people.

Other pseudo-proof, that in Ezra's time only the PC was presented to the people, is found in Holzinger (*Eintl.*, p. 431). He thinks that Ezra read the entire codex from the beginning; as, however, on the second day Lev. 23 was read as well, it would be unthinkable that in such a short time Gen. 1 through Lev. 23 was read, and that it was, moreover, also elucidated by the Levites. In Neh. 8-10, however, not the slightest indication is found that

- 69) at that time the Torah was read from the beginning without omissions. It rather says there: "And he read therein" (8:3); "So they read in the book in the law of God" (8:8). To which purpose, then, would also the narratives of Genesis and Exodus have been read, as only

---

<sup>119</sup> On the same grounds it was not necessary either to commit the people to the tithe of the herd or of the flock. Then the tithe of the herd also belonged to the owner and only had to be utilized as a peace offering, a sacrificial meal. Kuenen and others mistakenly think that Lev. 27:32-33 claims the tithe of the herd for the Levites and declare, therefore, this passage to be an amendment of which nothing was known yet in Ezra's time (*Eintl.* § 15 A 30, p. 298). Below we will elaborate on the erroneousness of this view.

the acceptance of the laws was intended. And from the laws as well, surely a fitting selection would have been made.

Wellhausen (*Gesch.*, p.425; p<sup>2</sup> 434 [p. 408]) admits that the legislation of Ezra consisted of the entire Pentateuch, but maintains, however his previous (see p. 63) assertion. He says: "Just as it is in evidence that Deuteronomy became known in the year 621, and that it was unknown up to that date, so it is in evidence that the further Torah of the Pentateuch - for there is no doubt that the law of Ezra was the whole Pentateuch - became known in the year 444 and was unknown till then." It should be clear to everyone that the phrase, "for there is no doubt that the law of Ezra was the whole Pentateuch," abolishes and is as well in contradiction to the claim of the rest of Wellhausen's statement. How, then, Wellhausen is able to maintain his thesis in full force is beyond me.

Dillmann (III, 674) too concurs with me. After asserting (p. 672 ff.) that Ezra's lawbook (as Wellhausen admits) contained the entire Pentateuch, Dillmann continues: "According to this the question as to the novelty of Ezra's lawbook is also settled. For if this would imply that the matter of its contents had been unknown to the community or its leadership until that time, then this can be rejected in any case, if only because of the fact that it also contained JE and D with which there must have been some familiarity in Jerusalem already before Ezra. (see e.g.: Neh. 1:8 f. and Deut. 30:1-5; Ezra 9:1 ff.; 10-12, and Deut. 7:2 ff.). If one would want to restrict the novel character to the 'other Torah' [*anderweitige Thora*], as contained in the Pentateuch with the exclusion of D (Wellh., *Prot.* p. 434), then it should be noted that Neh. 8-10 does not mention any such distinction, but rather deals with the entire Torah (Neh. 10:30), and that passages like Ezra 2:36-40; 63 (Neh. 7:39-43; 65), Neh. 6:10 f., 12:35, 41; Haggai 2:11 show a familiarity with the laws of the priestly part of the Pentateuch, already before the events described in Nehemiah." Baudissin (*Einl.*, p. 195 ff.) arrives at a similar conclusion, namely that one should stick to the idea that in the days of Ezra the priestly laws were publicized together with other laws that had been available and known already before. Also, we are not dealing here, at least partly, with the publicizing of a new legislation which had just come into being. Thus Baudissin.

- 70) To this we should add that the Book of Nehemiah in no way speaks of two different kinds of Torah, but rather that the entire people and Ezra know of only one Torah of God. Therefore, it should be admitted, that at that time in no way a new Torah was made public, but that it could only have been the Torah, acknowledged as having been given by God as of old through Moses, and none of the contemporaries of these events could have considered the Torah that was being read from as anything else but the one of Moses. This is so clear from the entire account that there is no need for any discussion on this topic.

### The PC and the Post-Exilic Conditions

We have demonstrated that the PC was not newly introduced at the assembly of the people as described in Neh. 8-10, but that this codex as well as the other parts of the Pentateuch had been accepted at that time as the Torah of old as given by God. Thus, be it indirectly, the authenticity of the PC is established according to the view of the new critical school. As after this, moreover, history knows nothing of the period from the introduction of the PC to sometime before or after the Exile, this book of law should be assigned the place which the Torah and the Book itself demand, namely at the beginning of Israelite history. If, however, Wellhausen thinks it incomprehensible that the PC had been in existence before the Exile, yet meanwhile seems to have been present as a latent and ineffective force, then it would be even more incomprehensible to assume that such a codex could have entered history in such a latent and inobtrusive way. Holzinger also admits this. He says (p. 429): "P has become the foundation of the later Judaism. A corpus of such significance would not creep in tacitly. On the contrary, with regard to P it should be expected that this legislation would have been introduced in a festive manner through a public act, as happened with D." This act, now, he tries to locate in Neh. 8-10. As this is not the case, this festive act can therefore be no other than the festive legislation at Sinai with the subsequent promulgation of the other laws through Moses. In order to corroborate the opinion that a post-exilic PC would be even more an impossibility, we want to demonstrate by means of a number of startling examples, how totally unsuitable the legislation of the PC seems for the post-exilic period and how this cannot possibly have been designed for this period. We will first consider the Ark of the Covenant in the PC:

#### 71) a) *The Ark of the Covenant*

The other parts of the Pentateuch, JE and D, also mention the Ark of the Covenant, but nowhere does it appear as such an important cultic object as in the PC. It is the first holy implement which God commands to be built (Ex. 25:10 ff.); the Ark is covered by the *kaporet* with the two *kerubim*, where God's presence manifests itself (Ex. 25:22; Num. 7:89) and where on the holiest day of the year the great atonement is performed (Lev. 16:13 ff.). The holy Ark must always be equipped with staves (Ex. 25:15), by means of which it can be carried by the Levites, after it is carefully covered by the priests (Num. 4:5; 15). As things are it is generally agreed that long before the destruction of the First Temple the Ark with the Tables of the Law was no longer in the Sanctuary and that, when building the Second Temple no one thought of also placing a holy Ark in the Holy of Holies (cf. Jer. 3:16); and that, therefore, the atonement on the Day of Atonement no longer took place at the *kaporet*, but at the *'even shetiyah* [the foundation stone], which had taken the place of the Ark (M. Yoma 5:2). Why then would the author of the PC have included the holy Ark in his legislation?

And if he would have done it already in order to put an archaic stamp on his work and was therefore prompted to mention the Ark's construction, what could have moved him to associate the great atonement festival with a holy implement which, in his time, was no longer in existence and the construction of which was not at all intended? Even more so, as in this way, in the absence of the most important implement for atonement the entire atonement festival could be called into question. Or why had the prophets and the priests at the beginning of the Second Temple period, apart from the Temple, not thought of reinstating also the Ark of the Covenant with the *kaporet*, if it had really been so that the PC, in which these holy utensils play such an important role, had been composed in that very period? In vain one will try to find answers to these questions among the followers of the new school: they will only be able to reply to them by means of empty evasions.<sup>120</sup>

72)      b) *The Urim and the Tummim and the Anointing of the High Priest*

Only the PC (Ex. 28:30) mentions the making of the Urim and Tummim and their purpose. It is true that it does not state of what the Urim and Tummim consisted; nevertheless their purpose is determined precisely, when it says [Ex. 28:29]: "And Aaron shall bear the names of the children of Israel in the breastplate of judgment upon his heart." Num. 27:21 (PC) says even clearer: "And he (Joshua) shall stand before Eleazar the priest, who shall inquire for him by the judgment of the Urim before the Lord: at his word shall they go out, and at his word they shall come in, both he, and all the children of Israel with him, even all the congregation." The purpose of the Urim and Tummim, then, was to transmit God's will through the high priest to the leaders of the people and conform to which they would have to act. We see, that unless it was the author's intention to wrap this holy institution in a veil of secrecy and mystery, that he could have told much more about the Urim and Tummim.

The consultation of the Urim and Tummim occurs very often in the Bible in the period of the Judges and the time of the first kings, Saul and David, whereby, at times the Urim and Tummim are explicitly mentioned (I Sam. 28:6 and LXX on I Sam. 14:41); but mostly they are tacitly implied through the expression of "asked (counsel of) the Lord" [*sha'al hashem*] (Ju. 1:1; 20:18, 23, 27; I Sam. 10:22; 14:37; 22:10, 13, 15; 23:2, 4, 9 ff.; 30:8; II Sam. 2:1; 5:19, 23). Nothing is heard any more of the Urim and Tummim after David. It is doubtful whether the Urim and Tummim can be associated with the 'breast-plate' [*'efod*] mentioned in Hos. 3:4 (see Nowack's commentary). In any case, according to the Blessing of Moses in Deut. 33:8, the Urim and Tummim are assigned to the Tribe of Levi.

It has now been determined that after the Exile and in the Second Temple period the

<sup>120</sup> Cf. Klostermann, *NKZ*, 1897, p. 358.

Urim and Tummim were no longer in existence and a matter which required a divine ruling had to be postponed "till there stood up a priest with Urim and with Thummim" (Ezra 2:63; Neh. 7:65). If the PC had only been composed during the Exile, its author, who according to the critics, was a priest, and therefore always had the interest of the priests at heart and especially intended to raise the high priest's prestige nevertheless did not present the high priest as bearer of the Urim and Tummim which did not exist in his time. Through this deficiency the high priest was at risk to ruin his entire reputation. What is more, the author even suggests the question of whether a high priest who is not able to convey the divine ruling through the Urim and Tummim is still qualified to function as high priest at all and whether it would not be advisable to also wait with the appointment of a high priest "till there stood up a priest with Urim and with Thummim."

- 73) It appears in the PC that, as important as the Urim and Tummim are, the anointing with holy oil is even more important for the status of high priest. According to the PC, all priests (Aaron and his sons) were ordained through the holy anointing oil (Ex. 30:30); later, however, only the high priest who was to be ordained as his father's successor would be anointed (Lev. 6:15, 16, 32; 21:10). The anointing appears as a necessary requirement for the high priest, as afterwards he would have the title of 'anointed priest' [*ha-kohen ha-mashiach*] (Lev. 4:3 ff., 16; 6:15). In the Second Temple period, however, the anointing of the high priest was not considered to be in remembrance of the anointing ceremony practiced in earlier times, despite the fact that in a prophetic account (Zech. 4:14), the king and the high priest are called 'the two anointed ones' [*shnei-v'nei ha-yitzhar*].<sup>121</sup> According to Jewish tradition the Ark of the Covenant, the Urim and Tummim, and the holy anointing oil belong to the five items, by which the First Temple is differentiated from the Second (cf. Jer. Ta'anit II, 1, 65a; Bab. Yoma 21a, etc.). According to a baraita (Horayot 12a, etc.) King Josiah hid the holy anointing oil. Again, it is unthinkable that an exilic author would have presented the anointing of the high priest as a requirement for this dignity, as a conducting of this ceremony had not been a consideration.

74) c) *The function of the Levites*

The fashion and style which the PC uses to tell about the purpose of the Levitical provisions is absolutely not in agreement with the tasks that this class of people exercised. In the PC the Levites are only assigned the authority of transporting the Tabernacle [*mishkan*] (Num. ch. 4), to guard the Sanctuary and serve as assistants to the priests (Num. 3:6 f.).

<sup>121</sup> Incidentally, this passage in Zechariah proves that in the olden times, like the king, the high priest was anointed as well. As the anointing of the high priest is only stipulated in the PC, this passage too, is a clear protest against the new school, which dates the PC in the year 444.



What these duties were is not specified. Neither is it specified which would be the duties of the Levites once a permanent Temple would be in place. Exactly because of this, a post-exilic origin of these laws must be ruled out. What could have been the intention of a legislator, who, according to the critics, lived after the Exile, to relate that in former times the Levites had to carry out certain obligations, which now (in the time of the legislator) were of no value to them whatsoever.

On the other hand the PC does not show any trace of all the tasks that were assigned to the Levites according to the prophet Ezekiel and accounts of the post-exilic texts in that latter period. According to Ez. 44:11 the Levites should "slay the burnt offering and the sacrifice for the people" and cook the sacrifice of the people (46:24). The PC is totally unacquainted with these activities by the Levites. Moreover, Lev. 1-7 states that any Israelite may slaughter and cook the sacrifice himself. Even more so, if Chronicles already presupposes this practice (the slaughter of sacrifices by the Levites) as already having been practiced before the Exile (II Chron. 30:17; 35:11 ff.) it therefore actually must have been practiced after the Exile. Since the time of David the baking of the meal offering also belonged to the tasks of the Levites, according to this book (I Chron. 23:25-29). Even more peculiar is the PC's silence on one of the most important obligations of the Levites, being the performance of the music and song during the Temple services.<sup>122</sup> According to I Chron. 25:1 ff. it was David who organized the music of the Temple. Ps. 137 and Ez. 40:44 ff. among others, demonstrate that already during First Temple times there were professional singers performing during the Temple service. Not only Chronicles, but also the Books of Ezra and Nehemiah report in countless passages that these can be identified as Levites (see esp. Ezra 3:10).<sup>123</sup> It is therefore totally inexplicable that the PC does not mention anything about these tasks of the Levites if this book had come into existence only after the Exile.<sup>124</sup>

75) d) *The relationship between Priests and Levites*

The relationship between priests and Levites with regard to their provisions as laid down in the PC raises serious objections against the views of Wellhausen. In the period of the Exile the number of Levites was probably not larger than that of the priests, which Wellhausen himself (*Gesch. Isr.*<sup>1</sup>, p. 152, note) admits.<sup>125</sup> Indeed, after the Exile 4289 priests and only 341

<sup>122</sup> Even more so, in the PC (Num. 10:8, 10) it is commanded that the priests should blow the trumpets during the sacrifice of the festive days; whereas not a word is said about the music and song of the Levites. How can this be explained if the PC would have been composed only after the Exile?!

<sup>123</sup> See *ABWJ* 1890, p. 83 ff., where Vogelstein's hypothesis (see Kuenen, *Einkl.*, p. 283), that the positions of singers and gatekeepers were 'levitized' only later, is conclusively refuted. From Ezra 2:62 we learn how much care has been taken in recording and preserving the genealogies.

<sup>124</sup> See *Arakhin* 11a and *Sifre Num.* 116.

<sup>125</sup> This can also be demonstrated from Ez. 45:3-5; 48:10, 13. See also the chapter "The Endowment of the Priests," (p. 134).

Levites joined the returnees. However, the PC decrees that the Levites be allocated 48 cities for them to live in. The Torah does not state how many of those would be for the priests. Yet, Joshua 21 mentions that the priests would receive 13 cities and the Levites 35. This distribution can in no way be reconciled with the number of Levites and priests during the Exile and with the distribution mentioned by Ezekiel. The distribution of the tithes among the priests and Levites as described in the PC argues even stronger against the opinion that this work would have originated in the period of the Exile. The tithe may be considered as the main source of income for the priest. It was therefore called his inheritance [*nachalah*] (Num. 18:21, 24), as they received it instead of land.<sup>126</sup> But from these tithes the Levites kept nine portions and the priests only one. Added to this is, that the tithe of the Levites is freely at their disposal, like 'the increase of the threshing-floor, and as the increase of the winepress' [Num. 18:30], whereas the priestly portion is holy and may only be consumed in a state of ritual purity by priests or their dependants. Apparently the PC also presupposes  
 76) that the Levites were much more numerous than the priests and would therefore be entitled to the greater share in the priestly places of residence and income. Also, the Levites keep ten times as much as the priests in the distribution of the tribute of the booty (Num. 31:28-30). When, in the period following the Exile, the situation has turned around and the priests exceed the Levites in number, provisions were made that the priests too would receive the tithe (see B. Yeb. 86b; Philo II, 391; Josephus, *Ant.* IV, 4, 3; *Ant.* XX, 8, 8; 9, 2; Vita, 12). Nevertheless, in the covenant through which the Israelites obliged themselves to observe the laws of the Torah, we find the designation of the tithes, exactly as is decreed in the PC (Neh. 10:38 f.). Even though this was no longer befitting the circumstances, it was not thought wise to encroach upon the Torah legislation. Only later concessions were made to adjust practical life to new circumstances.<sup>127</sup> In any case, all these facts refute decidedly the view that the PC would only have originated during the Babylonian Exile.

#### e) *The Post-exilic Conditions and the other Laws of the PC*

Also when considering several other laws in the PC such a divergence between these and the post-exilic customs becomes clear, that a post-exilic origin for the PC should be ruled

<sup>126</sup> As after the census in Num. the Tribe of Levi formed one thirtieth of all of Israel, the tithe appears to be a relatively too large inheritance, even if the Torah only decrees that the tithe merely consist of corn, oil, and new wine. However, it should be taken into account that according to the laws the separation of the tithes is left solely to the conscience of the individual and it could be expected that many would not fulfill this duty, as was still the case in the time of the Second Temple (See Mishna Demmai).

<sup>127</sup> Already in the days of the prophet Malachi, it seems that the priests received tithes, since the prophet says: "Bring ye the whole tithe into the store-house [of the Temple]" (3:10), whereas, according to the covenant of Neh. 10:39, only the tenth portion of the tithes should be brought into the Temple storehouses. Cf. also Neh. 12:44 and 13:5, 11. Certainly from Hizkiah's time on the tithes were stored in the Temple chambers (II Chron. 31:11 ff.).

out completely. In the PC the yearly temple-tax amounts to half a shekel (Ex. 30:13 ff.; cf. II Chron. 24:5, 6, 9). However, in the covenant of Neh. 10:33 the people commit themselves to a contribution of only one third of a shekel. Neh. 10:35 and 13:31 emphasizes strongly that regular wood-offerings are brought to the Temple. The significance of these wood-offerings in Second Temple times is demonstrated by the Wood Festival of the 15th Av which 77) is mentioned at length in Megillat Ta'anit [Scroll of Fasting], ch. 5 (see Josephus, *Wars* II, 17:6 and Mishna Ta'anit 4:4). Indeed, the PC (Lev. 6:6) stresses explicitly that "a fire shall be kept burning upon the altar (of the burnt offering) continually;" yet, not even one word concerning the wood-offering.

One passage in the PC (Num. 4:3) states that the Levites start their service at age thirty; another (Num. 8:23 ff.) mentions age twenty five. The sages explain this to mean that the training for the Levites would start at age twenty five and their actual service at thirty (Hullin 24a and Sifre Num. 62). After the Exile, however, the Levites were appointed "from age twenty years old and upward" (see Ezra 3:8). Chronicles (I 23:24-27; II 31:17) attributes this regulation to David.<sup>128</sup> What could have caused the PC - if it had been composed after the Exile - to postpone the age of service for the Levites and establish it in a way which is not consistent with the practice of the day? We already explained (p. 63-64) how after the return of the exiles the main concern of the leadership of the new community was the prevention of marriage with foreign peoples. Furthermore, we have clearly demonstrated (p. 68) that in the PC not a trace can be found of a prohibition on marriage with foreign peoples. Is it conceivable that these issues of vital and timely importance for the people of Israel would not 78) have been reflected in the law book of a post-exilic legislator? The PC treats the marriage laws in two chapters (Lev. 18 and 20), and gives specific marriage regulations concerning the priests in Lev. 21. In a time in which priests had married foreign wives (Ezra 10:18) and in which the prophet Malachi utters words of condemnation against all those who married "the daughter of a strange god" (Mal. 2:11 ff.) - could it be conceivable that in such times a

<sup>128</sup> Kuenen (§ 11, note 4 and § 15, note 28) explains this contradiction as follows: Num. 8:23 ff. is a later modification of Num. 4:3 necessitated by the small number of Levites (Ezra 2:40; Neh. 7:43; Ezra 8:15 ff.). In an even later period this same situation led to the Levites starting their service at age twenty. This decision, however, could not be entered into the legislation any more and is therefore attributed to David in I Chron. 23:24-27. Thus Kuenen. Against this the following objections can be made. 1) If it would have been thought necessary to change the regulation in Num. 4:3, than this is a case of merely changing the number rather than that a different law had been interpolated contradicting the first. This would be insane! Whoever is not satisfied with the talmudic explanation may assume, with Hengstenberg (*Beitr.* III, 392 ff.), that the first regulation applies to the carrying of the Tabernacle in the wilderness, and the second applies to the next period. 2) Totally unfounded is the assumption that later (after the conclusion of the Pentateuch) in the Second Temple period a new change was thought necessary, as it is inconceivable that the number of Levites later would have diminished even further. One may rather assume that later, after conditions in Palestine had consolidated, more Levites would come to Palestine from Babylon. Kuenen's hypothesis is even more unlikely, when he assumes in § 11, note 15, that later the singers and gatekeepers, who originally were distinguished from the Levites, had become Levites, by which surely the number of Levites must have increased significantly. See also Dillmann's commentary on Num. 8:23 ff.

theocratic legislator would fail to devote even one word to a prohibition of marriage with foreign women?! This is unthinkable. And just this factor alone rules out emphatically that the PC would have a post-exilic origin.

### **The Place of the Divine Service**

After having presented a number of significant proofs against the view of Graf-Wellhausen, we will now examine the grounds which the followers of this hypothesis advance as its main foundations. We will follow Wellhausen's train of thought. In his *Geschichte Israels*, he first describes the "History of Worship" (pp. 17-174 [= 17-164]) and arrives at the conclusion that in the sequence of the strata of pentateuchal legislation, JE would represent the earliest, D the second and the PC the latest layer. And from this conclusion, then, it should be possible to establish the regulations concerning the location of the divine service. Wellhausen thinks that with regard to the oldest period in Israelite history, before the building of the Temple, not a trace of any law delineating the place of the divine service can be found. Even the last (deuteronomic) revision of the historical books does not object to the abundance of altars and holy places in this period. According to the author of the Books of Kings, Solomon's Temple was indeed build from the outset with the view in mind that all other places of sacrifice should be abolished. This conception, however, is unhistorical, since the high places were not removed until the time of Josiah; and Elijah still described the destruction of the divine altars as the highest desecration (1 Kgs. 19:10, 14). Only in the eighteenth year of the reign of King Josiah  
79) (621 BCE) the local places of sacrifice were dealt a first heavy blow. The new directives, initiated because of the fall of Samaria and the words of the great prophets, won an uneasy victory and would have been accepted by the people with great difficulty, were it not for the fact that the Babylonian Exile had completely severed the link with the past. The returned exiles were indifferent with regard to the high places and it stood to reason that the One God should need only one place of worship. The three stages of historical development correspond also to the three strata of the Pentateuch. In JE the multiplicity of altars is permitted (Ex. 20:24-26); as, after all, according to this source, the Patriarchs, too, established altars in many locations. But Deuteronomy is opposed to this and commands repeatedly the unity of the Sanctuary; this is the position of the Josianic Reform. But the PC presupposes the centralization of the cult and projects it by means of the Tabernacle (which, according to Wellhausen and Graf, never existed) back to the dawn of Israelite history, which would then reflect the spirit of the post-exilic period. Thus the account of Wellhausen. We will now consider:

#### ***a) The PC and the Centralization of the Cult***

Could Wellhausen's analysis be correct? Is it true that the PC, taken by itself, argues based on

the assumption that the centralization of the cult has existed uninterruptedly since the oldest times? In other words, did the PC with the description of the unity of the Sanctuary, by means of the Tabernacle, intend to report the tendency that this situation had endured from this time on uninterruptedly? In order to be able to answer this question in the negative, the following should be considered. According to Lev. 17 not only every sacrifice, but also all profane slaughter outside of the Tent of Meeting (the central Sanctuary of the period in the wilderness) is prohibited. We have already pointed out above (pp. 16, 22) that Lev. 17 still agrees with Pg (priestly *Grundschrift*) concerning the prohibition of profane slaughter in the wilderness. The same Lev. 17 which, being part of the Holiness Code (H), is separated from the core of the PC, according to the Wellhausenian school. Furthermore, it has clearly been shown above that Wellhausen's assumption, that every slaughter was to be a sacrifice in pre-deuteronomic times in Israel, is completely untenable (p. 9 ff.). In any case, such a practice would in no way be consistent with a decree prescribing the unity of the Sanctuary, which is also admitted by many followers of this school. It should therefore be conceded that the PC presupposes the unity of the sanctuary for the period in the wilderness, nevertheless for the period of the

80) residence in the land the centralization can not have been legislated, since this would have implied a prohibition on slaughter which is not also a sacrifice and it would have been impossible to travel to the national sanctuary each time one would have wanted to eat meat.

On the contrary, we are much more entitled to the opinion that the PC adopts an attitude of indifference with regard to the centralization of the divine service in the Holy Land.<sup>129</sup> Certainly, it is told there that in the wilderness a Tent of Meeting should be erected, but nowhere is emphasized that the centralization of the cult is intended. The predominant name of the Tent of Meeting (*'ohel mo'ed* or *'ohel ha-'edut*) signifies, according to the authentic explanation in Ex. 25:22, 'tent of the revelation of the Divine Presence.' The ark of the Covenant with the Tables of the Testimony were the center and soul of the entire Sanctuary and was more important than any of the others. The sacrificial altar comes on the last place (Ex. 27). The PC knows nothing at all of a permanent sacrificial cult during the forty years in the wilderness. Only at the occasion of the dedication of the Sanctuary sacrifices were brought. Later only one more case of sacrifice is found in the PC, namely incense offering (Num. 16). According to the PC, too, the Tent of Meeting in the wilderness functions mainly as Tent of Testimony where God reveals the laws to Moses (Ex. 25:22; Num. 7:89, etc.); and very often

<sup>129</sup> Josh. 22:9-34 does not belong to the PC either, as Wellhausen (*JfdTh* XXI, 601) seems to think. Rather, the narrator takes up a deuteronomic position with regard to the unity of the Sanctuary (see Kuenen, *Eintl.*, 326 and Dillmann on that passage; and also the chapter "Deuteronomy and the Centralization of the Cult," below). In Josh. 22 we find loan passages from the PC, like in 1 Kgs. 7:14 (cf. Ex. 31:3 ff) and 1 Kgs. 8:7 (cf. Ex. 25:20). Joshua also borrowed from other scriptural passages, e.g. v. 19 from Num. 14:9; v. 18 from Num. 32:15; v. 20 from Josh. 7:1.

He would make His Splendor visible in a cloud before the entire people (Num. 9:15; 17:7). Yet, JE also knows of an *'ohel mo'ed* with the same function. There too it is a Tent of Revelation near which God's Splendor would appear in a cloud (cf. Ex. 33:7-11; Num. 11:16; 12:5; Deut. 31:14 ff.). As mentioned (p. 58), this Tent of Revelation, too, would have contained the Ark, and between Ex. 33:6 and 33:7 the construction of the Ark and the Tent should have been mentioned. At least Deuteronomy mentions an Ark made of acacia wood (10:3), just as 81) the PC (Ex. 25:10). With all these differences prevailing between the *'ohel mo'ed* of JE and the PC, then, <sup>130</sup> they nevertheless have in common that they are considered to be the only Sanctuary of Israel in the wilderness and that besides them no other sanctuary exists. When in Ex. 17:15 and 24:4 Moses builds an altar, this was done before the erection of the *'ohel mo'ed*. Later, this is the only legal sanctuary, and, also according to JE, no other sanctuary exists besides the *'ohel mo'ed*. And in any case, neither the book nor the source of Deuteronomy mentions a word concerning the Tabernacle. When Wellhausen (*Gesch. Isr.*, p. 52 [p. 50]) goes out to war against the Tent of Meeting in the PC with the observation, that had source D known about the issue of the Tabernacle, "that there underlies this creation [i.e. the Tabernacle] the very real idea of unity of worship, for the sake of which it would surely have been very welcome, to the Deuteronomist, e.g., even as a mere idea. It is only the embodiment of the tabernacle that is fancy; the idea of it springs from the ground of history " In that case the same could be brought against the *'ohel mo'ed* of JE. Only it seems that the Tent of Revelation (*'ohel ha-edut*) is purposefully not mentioned, because the mobile tent, which can easily be transported from place to place, offers a counter-balance against the permanent and unchanging *maqom 'asher yivchar* of Deuteronomy (see above p. 58). Thus the talmudic tradition also says, in the Babylonian (Zevachim 118a) as well as in the Jerusalem Talmud (Megillah I 72c), that in Shiloh not the mobile tent, but a permanent stone construction functioned as sanctuary, which had, however, carpets as top cover and therefore was one time called *bayit* (house) (Ju. 18:31; I Sam. 1:7) and another time *'ohel* (tent) (Josh. 18:1; I Sam. 2:22; II Sam. 7:6).

The Tabernacle as such did not establish the centralization of the cult for the following period either. As long as the people lived together in one encampment during the wanderings the unity of the Sanctuary was self-evident. The Tabernacle, however, was not made for the later period, and once the settlement of the land took place, it could just as well have been disposed of in favor of many sanctuaries as just of one single sanctuary.

Certainly the description of the Tabernacle and the sacrificial cult related to it, intended

<sup>130</sup> On this see Klostermann: 'Die Heiligtums- und Lagerordnung', in: *NKZ* 1897 (VII), 48-77; 228-253; 298-383. See also, *Sifre Zuta* (ms.) on Num. 18:4 - R. Shimon said: what do we learn that there are two tents? A tent for the service and a tent for revelation.

to teach how the divine service should always be organized around the *main Sanctuary* of the Israelite nation. It should, however, neither be doubted "that during the period that the life  
 x2) of the people was healthy and strong there was a development in the religious life of the people that strived for an ever stricter centralization by means of a bigger more central Sanctuary in the midst of many altars and high places." (Ewald: *Alterthümer*, p. 146). If we also disregard the Pentateuch and Joshua, then we still find clear evidence in other sources that the temple in Shiloh was thought of as main sanctuary in the territory of Ephraim. Jeremiah (7:12) and the author of Ps. 78 (v. 60) considered it, taking into account the expressions they use, as the only legitimate Sanctuary of its time.<sup>131</sup> But also the historical books of the prophets (or at least their latest redaction) reflect this opinion through statements in Ju. 18:31 and I Sam. 2:28, and indirectly in the sense that as long as the Ark of the Covenant was located in Shiloh (throughout the entire Book of Judges and I Sam. until ch. 9), the *hamah* [high place] was not mentioned and a sacrifice outside of Shiloh was permitted only when by means of a theophany or through the presence of the Ark of the Covenant the place would be sanctified. After the Philistines captured the Ark, it was not returned to its place in Shiloh, either for religious reasons, as the catastrophe was considered to be a divine rejection of the Sanctuary at Shiloh (Ps. 78:60), or because of political reasons, as the people were envious of the tribe of Ephraim which seemed to have been the force in power in Israel during the period of the Judges (Ju. 8:1; 12:1). At that time the Ark of the Covenant was no longer the focal point of the divine service. Everywhere high places were erected, which, just like the later synagogues, probably also served as places for prayer.<sup>132</sup> The main Sanctuary was the "great high place" which was in existence first in Nob and then in Gibeon, both in the territory of the tribe of Benjamin (I Sam. 21:7; I Kgs. 3:4).<sup>133</sup> Once the Solomonic Temple was built, it became no doubt to be recognized as the main Sanctuary. Only after the divi-  
 x3) sion of the kingdom the inhabitants of the Northern Kingdom would exchange it for the sanctuaries of Bethel and Dan. A regular divine service at all times was only performed in the main sanctuary. In that place the eternal light would burn before God (I Sam. 3:3); there was a permanent table with the holy shew breads (I Sam. 21:7), and there the daily burnt

<sup>131</sup> In the *Isr. Monatsschrift* (Beilage zur *jüd. Presse*) 1884, p. 1, I already presented proof that the Torah (Gen. 49:9) also mentions the central sanctuary at Shiloh and that this place may have played an important part in Jacob's life.

<sup>132</sup> Hannah prayed at the Shiloh sanctuary (I Sam. 1:10). Later, when the *bamot* were erected there would be a building next to the sacrificial altar, which probably served as a place for prayer and meetings. These buildings were called *batei bamot* (I Kgs. 13:32; II Kgs. 23:19). This factor may have contributed to the fact that also pious kings tolerated these *bamot* (see also *Litteraturblatt der "jüd. Presse,"* 1878, p. 21). [In "The Israelite *bama*: A Question of Interpretation" (*ZAW* 94 (1982): 203-213), Mervyn D. Fowler explores the nature of the *bama* comparing the present view on archaeological, textual and linguistic evidence with its earlier interpretations, concluding that very little is actually known about it even now.]

<sup>133</sup> [Eliezer Barishansky, the Hebrew translator of Hoffmann's work adds to this: see also B. Zevahim, 118b. "The Shechinah rested on Israel in three places: in Shiloh, in Nob and Gibeon, etc."]

offering would also be brought (II Kgs. 16:15). With the presupposition of such a main sanctuary all laws of the PC can be understood without thereby having to exclude the private sanctuaries, where any individual - not the community - could bring his sacrifice.

b) *Deuteronomy and the centralization of the cult*

Only Deuteronomy prohibits all sanctuaries outside of the central Sanctuary. Lev. 17, however, which enjoins the same, shows by the strictness with which every slaughter is prohibited, that it does not make a claim to any future validity.<sup>134</sup> Since after the conquest of the land on the east of the Jordan and perhaps already during the wanderings in the wilderness, everyone "did what was right in his eyes" (Deut. 12:8; above, p. 56) - we find that Josh. 22, which prohibits any cult outside of the the Sanctuary of Shiloh, can only be seen in the light of Deuteronomy and not of the PC. Furthermore, Josh. 22 makes clear that, just as in Jer. 7:12, the Sanctuary at Shiloh was the very place which was selected by God from the beginning and the words in Deuteronomy (12:11, 18), "the place which (God) shall choose" must in the first place be understood in this way.<sup>135</sup>

But also Deuteronomy, by itself, refers in vv. 12:10-11 ("the place which [God] shall choose") in the first place to Shiloh. Apart from Josh. 22 and Jer. 7:12, Josh. 9:27 also points to this fact. It says: "And Joshua made them [i.e. the Gibeonites] that day hewers of wood and drawers of water for the congregation, and for the altar of the Lord, until this day in the place which He should choose (*ha-maqom 'asher yivchar*)."<sup>136</sup> This phrase can only imply Shiloh; therefore in Deuteronomy, too, this expression must be understood thus.<sup>136</sup> The expression "to put His name there" or "cause His name to dwell there," which is usually added to the 'chosen place' (Deut. 12:5, 11) is likely to be understood as the 'residence of the ark' at the holy site.<sup>137</sup> The Ark is called: "the ark of God, whereupon is called the Name, even the name of the Lord of hosts that sitteth upon the cherubim" (II Sam. 6:2). Consequently, with the Ark God tied His name to the place; hence God caused His name first of all to dwell in Shiloh.<sup>138</sup>

<sup>134</sup> The *chuqat 'olam*, etc. statute ("for ever, etc.") in Lev. 17:7 can only apply to the prohibition of *snechotet chutz* (i.e. the sacrifice outside of the Sanctuary), which is different from the prohibition in Lev. 17:8 ff. on bringing a sacrifice outside of the sanctuary. See my Commentary to that passage.

<sup>135</sup> [Reference by the Hebrew translator. See also tractate Megillah 10a and Zevachim 119a. "considering 'the rest' - this is Shiloh".]

<sup>136</sup> This conclusion is also justified if we would agree with Dillmann in assigning the phrase *maqom 'asher yivchar* in Josh. 9:27 to the Redactor.

<sup>137</sup> God reveals Himself between the two *kerubim* over the Ark (Ex. 25:22). Hereby the Name of God is at the same time united with the Ark, just as with the angel, who was leading the way for Israel (Ex. 23:20-21). Like the angel, the Ark functioned as a representative of God (cf. Josh. 3:10 ff.; 4:7).

<sup>138</sup> When it says in Josh. 21:42, in a passage which is assigned to D by Dillmann, that God gave them rest from all sides, then is here there is evidence, according to Deuteronomy, that in the days of Joshua a place for a central Sanctuary was already chosen, as according to Deut. 12:10 ff. immediately after the beginning of the days of rest and safety, the holy site would be chosen. This can, therefore, only be Shiloh.



According to Deuteronomy as well, the legal basis for the centralization of the cult already existed before the construction of Solomon's Temple and it must be assumed that this situation was only interrupted during the period between the rejection of Shiloh and the construction of the Temple in Jerusalem. The passage in I Kgs. 8:16 must be thus understood that God, since the Israelites' Exodus from Egypt, had not selected a city in order to build a (durable) house there (*livnot bayit*), where His name would dwell. In this connection Shiloh is only to be considered as a tent (cf. II Sam. 7:6). If then Josh. 22 yet presupposes the deuteronomic commandment with regard to the centralized cult although it derives many expressions from the PC, this shows that no differences prevail concerning this issue between Deuteronomy and the PC, as the latter source prepared the deuteronomic instructions by means of the construction of the Tabernacle and the introduction of the legal sacrificial cult.

### c) JE and the Centralization of the Cult

But what is the relationship of JE to D in this respect? According to Wellhausen, as to most of the critics, there is a blatant contradiction between them in the sense that Ex. 20:24 allows straight-forwardly to build altars at any place, which is prohibited by D. Only because admittedly Deuteronomy shows familiarity with JE everywhere and frequently depends on it (see above, p. 46) such a contradiction would therefore be incomprehensible, even more so because Deut. 27:5-6 quotes Ex. 20:22. Furthermore, Ex. 34:24 ("neither shall any man covet thy land, when thou goest up to appear before the Lord thy God three times in the year") determines beforehand the centralized cult. Indeed, Ex. 21:14 mentions the altar as a place of asylum but nevertheless v. 13 takes other places of asylum into account, since the one  
 85) single altar was not sufficient for this purpose. Finally, it should be taken into consideration that this law in JE also always speaks of *one* altar and not of *altars* of God,<sup>139</sup> whereas it knows of the many pagan altars (Ex. 34:13); like the prophets speak of the many altars of Israel.<sup>140</sup> Therefore we should explain Ex. 20:21, "I cause My name to be mentioned [remembered, recalled]" (*'azkir 'et shemi*) in the sense in which the Aramaic targumim translate it: "I will let My glory rule" (*'ashrei yat shekhin'ni*). "God causes His name to be remembered in that He chooses this site for His dwelling place and for the unfolding of His Being."<sup>141</sup> This expression therefore, like the *leshakhein shemo* in Deuteronomy, refers in the first place

<sup>139</sup> This is clearly emphasized in Ex. 20:20, 21, which explicitly prohibits the making of "gods of silver, or gods of gold" (in the plural), and mentions directly thereafter: "An altar of earth thou shalt make unto Me" (in the singular). Would JE have permitted several altars for sacrifices, it would certainly have decreed here: "Altars of earth, etc."

<sup>140</sup> See further with regard to Ex. 20:20, 21: J. Robertson, *Die alte Religion Israels* (transl. from English by Orelli), p. 297.

<sup>141</sup> See also my *Commentary to Leviticus*, p. 262 ff. and Rosin in the *Jubelschrift zum 90 Geburtstag, Zunz* (1884), p. 43. Also: Hengstenberg, *Auth.* I, p. 284.

to the home of the Ark, and testifies thereby to the resting of the divine glory at this site.<sup>142</sup> In any case, this expression also implies in general any locale where God, through a wondrous manifestation testifies to His Presence. But such theophanies were exceptions. As a rule the presence of the Ark would sanctify the site and permit the construction of an altar and sacrifice (cf. Ju. 20:26 ff.) The expression *bekhol ha-maqom*<sup>143</sup> also applies to the home of the Ark, as it could be carried from place to place (cf. II Sam. 7:6: "for I have not dwelt in any house since the day that I brought up the children of Israel out of Egypt, even to this day, but have walked in a tent and in a tabernacle.") Deuteronomy emphasizes indeed the strict centralization of the cult and does not allow for the possibility of any other sacrificial altar besides the main cultic location (Deut. 12:13).<sup>144</sup> Only, this is closely connected with the election of the tribe of Levi following the incident with the golden calf, as Israel's propensity for idolatry necessitated a limitation in cultic locations. In the wake of this incident the original ordinance that  
 86) every first born be sanctified (Ex. 13:2) was modified in such a way that the Levites would now put themselves in the place of the first born (cf. Ex. 32:29; Num. 3:12 f.).<sup>145</sup>

However, the assertion of the critics that the historical narrative in JE also contradicts the deuteronomic doctrine of a centralized cult, is totally unfounded. It is impossible that Deuteronomy would have prohibited the altars and sacrifices of the Patriarchs, of which JE tells, on a legal basis as, according to Deuteronomy the prohibition of private altars depends on the selection of the single site, which after all, in the patriarchal era, had not yet occurred. Further, it cannot be maintained under any condition, as the critics do, that the PC would not mention the patriarchal altars because to this source they would have seemed illegitimate. Firstly, most of the patriarchal altars did not serve as place for sacrifice, at least with regard to most of them it merely says: "...and he called upon the name of the Lord" (Gen. 12:7 f.; 13:4, 18; 26:25). Secondly, the PC does not relate most of the other patriarchal narratives either, also those which are totally unrelated to the cult. (See also above, p. 16, note 2 [26]).

Equally mistaken is Wellhausen's assertion that Josh. 22 seems to create the illegitimate cultic sites of the Rubenites out of nothing. No mention is made of these cultic sites anywhere else, and the PC simply ignored this story as it seems to have done with the al-

<sup>142</sup> Worth mentioning is that Sifre Num. 39 relates this passage to the priestly blessing in the Sanctuary, following Num. 6:27: "So shall they (the priests) put My name upon the children of Israel, and I will bless them." With regard to the correction of *tazkar* instead of *'azkar*; see my commentary *ad loc.*

<sup>143</sup> The Samaritans have instead of this: *uve-maqom*, which is very much an emendation!

<sup>144</sup> It should be noted, however, that through the addition of "in every place that thou seest," only those places are prohibited that the people themselves select for sacrificial sites by their own choice. Sifre to that passage remarks rightly that through the pronouncement of a prophet sacrifice outside of the sanctuary could very well be permitted.

<sup>145</sup> Whoever does not want to accept our above explanation to Ex. 20:20, 21, may then accept that the multiplicity of cultic places, which was originally mentioned, ceased after the rejection of the first born and the election of the Levites in their place.

altars of the Patriarchs. There is, however, no positive evidence whatsoever, that a multiplicity of cultic places was approved by theocratically minded people after the construction of the Temple of Solomon. When the prophet Elijah then interprets the tearing down of the altars to God in order to have them replaced by altars to Ba'al as a blasphemy (1 Kgs. 19:10), this does not imply that he would approve of the great number of altars. The sacrifice that he  
 87) brought on Mount Carmel took place at the command of God (1 Kgs. 18:36).<sup>146</sup> If that which exists, however, is to be identified with that which is legitimate, then it should be assumed that idolatry too was permitted according to the ancient religious legislation, as idolatry had always existed in the Israelite monarchy and often enough also in Judah. The existence of Deuteronomy in the time of Jeremiah should therefore also be questioned, since this prophet complains repeatedly about the prevalence of the *hamot* cult

Admittedly, the multiplicity of altars had existed everywhere all through the pre-exilic era (perhaps with a few exceptions). No proof can be found, however, that the theocrats and the prophets would have sanctioned this situation. Moreover, Deuteronomy leaves the possibility open that in times of unrest and war, during which Israel would not be living securely in its land, the legislation concerning the centralization of the cult could be suspended. This was actually the case after the capture of the Ark of the Covenant by the Philistines (when the Sanctuary at Shiloh was either destroyed or rejected)<sup>147</sup> until the construction of the Temple of Solomon, during which period the historical books of the Bible permitted the *hamot*.<sup>148</sup>

<sup>146</sup> It is also possible that after the division of the monarchy the Sanctuary of Jerusalem was no longer acknowledged as the center of the divine service in the Northern Kingdom, and therefore, just like after the rejection of Shiloh, the private altars were once more permitted.

<sup>147</sup> 1 Sam. 2:28, however, clearly demonstrates that the prophetic historiography depicts the unity of the Sanctuary as law during the existence of the sanctuary at Shiloh. Cf. Bredenkamp, *Gesch. u. Propheten*, p. 138.

<sup>148</sup> [Most of the institutions discussed in the past two chapters ("The PC and the Post-Exilic Conditions" and "The Place of the Divine Service") are dealt with in Donald G. Schley's *Shiloh: A Pivotal City in Tradition and History* (JSOT Suppl. Series 63, Sheffield Acad. Press: Sheffield, 1989—see also its very extensive bibliography). These are esp. the Tabernacle, the Temple, the centralization of the cult, the pedigree of the Eliade and Zadokite priesthood, and the position and nature of the Shiloh sanctuary. Extremely informative are the chapters on Shiloh (and the above relevant related issues) in 19th century biblical criticism, which discusses the view of Wellhausen, his followers and his critics, that of his precursors (all of whom Hoffmann treats extensively); as well as the views of those of the following generations, both in Wellhausen's camp as well as outside of it. Of special interest is the treatment of those Israeli scholars (starting with Yechezkel Kaufmann) who, on the one hand, accept the basic findings of the critical school, yet on the other hand, reject its most extreme claims (such as its radical rewriting of Israel's history), and argue for the pre-exilic origin of P, on various points in a manner not unlike Hoffmann, albeit not based on the same premises. Another work that should be mentioned is Menachem Haran's *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon Press, 1978) which attempts "to demonstrate the antiquity of all the material embodied in the Pentateuchal priestly source (P). Contrary to the predominant opinion in modern biblical research, it is contended here that" not only has all the priestly material (P) a pre-exilic origin, but even its literary form had already crystallized in pre-exilic times. This book, a compilation of previously published articles (many of which were translated from Hebrew), unfortunately lacks a bibliography and an index.]

### The Sacrifices

With regard to the sacrifices, <sup>149</sup> too, there is such a difference between the PC and the pre-exilic historical sources, that according to the critics this legislation should be assigned to post-exilic times. Before engaging in a critique of Wellhausen's pertinent discussions, a remark is in place. The talmudic tradition itself states that the precepts in the PC concerning sacrifices were only valid for the central Sanctuary and did not apply to the *hamot*. All the more so, the criticism must admit that in this codex only the practice for the main or central Sanctuary is laid down, where a permanent priestly class, knowledgeable in legal matters, <sup>881</sup> would take care of an accurate execution of the precepts (see above, p. 81 ff.). With regard to the *hamot*, where anyone could function as priest, the observance of these rather complicated regulations would be impossible. At these places ancient and simple customs were adhered to, if totally pagan-minded priests would not introduce foreign ways. After this, all these arguments against the PC, which speak of sacrifices outside of the main Sanctuary, must be dropped. We will now compare the few passages referring to the rite at the main Sanctuary, with the regulations in the Torah.

In I Sam. 1-2 we find for the first time something about the cult at the main Sanctuary of Shiloh. However, the narrator pictures the activities of the priests as being presumptuous and unlawful (I Sam. 2:12-14, 20). As presupposed legal norm we find there that: 1) the fat is smoked on the altar; and 2) that only then the priest is entitled to take his portion (vv. 15-16). This is totally in agreement with the PC. Furthermore we see that in the main Sanctuary (the great *hamah*, see above, p. 83) in Nob the holy shew bread was changed every week (I Sam. 21:7) and that it could not be eaten by someone in an impure state (v. 5). This agrees with Lev. 22:3 and 24:5 ff. Concerning the great *hamah* in Gibeon we only know that this is the place where Solomon once brought one thousand burnt offerings (I Kgs. 3:4). This number testifies to the flourishing of the sacrificial cult at that time; and surely there can have been no lack of certain fixed arrangements in the sacrificial ritual. Also at the occasion of the sanctification of Solomon's Temple countless sacrifices were brought (I Kgs. 8:5, 63). From II Kgs. 12:5 we see that the vow mentioned in Lev. 27:2 ff. was common practice in the time of King Jehoash. However, according to the Syriac translation and the LXX there is doubt whether the words *kesef 'over* in the passage refer to the annual *sheqalim*, as is suggested by Targum Jonathan and the early commentators; but it cannot be decidedly denied either. II Kgs. 16:15 shows that the daily divine service, as it is described in the PC, was

<sup>149</sup> [A good overview of the sacrifices, their purpose, exact terminology, and historical development can be found in the *EJ* 14: 599-616. See also the literature quoted there. Jacob Milgrom, in his *Studies in Cultic Theology and Terminology* (Leiden: Brill, 1984 (a collection of studies published previously in various journals) corroborates the findings of Hoffmann at least to the effect that P must be pre-exilic, based on a linguistic-historical examination of the various terms for the sacrifices and other cultic activities.]

actually practiced in the Temple in Jerusalem. From this passage Wellhausen tries to prove (*Gesch. Isr.*, p. 81, note [p. 79]), that in pre-exilic times only an *olah* sacrifice in the morning and at night a *minchah* sacrifice was brought on a daily basis. In that case, however, it must have been so that in the time of Ezra and the author of the Book of Daniel too only a *minchah* was brought, as Ezra 9:4, 5 and Dan. 9:21 only mention an evening *minchah*.<sup>150</sup> A comparison between II Kgs. 3:20 and I Kgs. 18:29, 36, moreover proves that in the morning, apart from the *olah*, also a *minchah* was brought.<sup>151</sup> From this it is concluded with good reason that at night, apart from the *minchah*, also an *olah* was brought. As however, according to the PC a *minchah* belonged to the daily *olah*, as it did to every *olah*; so, the morning as well as the evening service began with a *olah* and was concluded with *minchah*. The expression "the morning *olah* and the evening *minchah*" also signifies the beginning and conclusion of the daily divine service.<sup>152</sup> This is all that is related concerning the sacrificial service at the main Sanctuary, outside of the Pentateuch. It stands to reason that no history of sacrifices can be construed from this, as does Wellhausen (pp. 53-83 [pp. 52-82]). He is hardly affected by all that is submitted in this chapter against the PC, since the Priestly Code, in truth, does not describe the *hamot* religion. Yet, I do not want to limit myself to such a general judgement, but rather consider the main arguments individually. Those totally unfounded and subjective assertions must of course be passed by in silence.

a) According to JE the divine service has been handed down from as early as the period of the Patriarchs. Yet, according to the PC the laws concerning the sacrifices were only revealed to Moses on Sinai, whereas before that time no sacrificial cult would have existed. (*Gesch.*, p. 53-57). - In JE, however, very few laws are found at all (Ex. 20-23) and of these only a small part is repeated (Ex. 34:11-26) after the erection of the Tent of Meeting (Ex. 33:7). In these few laws the regulations concerning the sacrifices have also taken their rightful place (Ex. 34:25 f.). We already noted before (p. 86), that nothing can be concluded from the silence with regard to the cult of the Patriarchs. Meanwhile it is obvious from the PC itself that it  
90) does not have the sacrifices start only with the Mosaic legislation, but already presupposes them for the earlier period. With regard to the sin and guilt offerings in the sacrificial laws in

<sup>150</sup> Indeed, Wellhausen and others try to prove from I Kgs. 18:29, 36; II Kgs. 16:15; Ez. 46:13-15; Ezra 9:4, 5; Neh. 10:34, that the law concerning the daily sacrifice was inserted into the Pentateuch only after Ezra. Against this "absurd" idea, however, Dillmann (*Exod. u. Lev.*<sup>3</sup>, 348) already advanced: 1) Already in the ancient "Torah" Lev. 6:1-6 the morning and evening *olah* (burnt offering) is presupposed. 2) Also the fact that this law concerning the *tamid* is repeated twice protects it against the suspicion of being a later interpolation. 3) How could it have been that after Ezra such a fundamental law had been sneaked in!

<sup>151</sup> Ez. 46:14 also states this emphatically, whereby in any case the passage of II Kgs. 3:20 is safe-guarded (against Kuenen, *Einl.*, p. 297). When Ezekiel does not mention an evening sacrifice, then from that no conclusion can be drawn from this with regard to the pre-exilic practice, as he does not mention the pre-exilic evening *minchah* either, which everyone admits was brought.

<sup>152</sup> For yet another meaning of this expression, see my *Comment. zu Lev.*, p. 38. [Hoffmann states in that passage that the most plausible explanation is that it refers to the daily *minchah* of the high priest.]

Lev. 1:5, namely, first the reason for the sacrifice is indicated: when someone commits a certain transgression, he will bring such or such a sacrifice. On the other hand, with regard to the burnt, meal, and peace offerings no mention is made of a motivation for the sacrifice. This can only be explained in such a way that the law concerning the latter three kinds of sacrifice was considered known from before the legislation, while sin and guilt offerings were only introduced at the time of the Sinaitic legislation. Also the fact that only the priestly portion of the meal and peace offerings (not of the sin and guilt offerings) were called "a thing most holy of the offerings of the Lord made by fire" points to this (cf. Lev. 2:3, 10; 6:10, 11, 22; 7:6, 30). During the pre-Mosaic period these portions of the sacrifices were designated for the altar fire <sup>153</sup> and only in the Mosaic legislation were these "burnt portions for the Lord" allocated to the priests. This is proven by the fact that in the cases where these portions could not be given to the priests, they were actually sacrificed at the altar (Lev. 6:16; 8:25-28). The case of the priestly portion in the sin and guilt offerings which were only introduced in the Mosaic period is different, however. These were originally intended for priestly consumption, as the priests take on themselves the sins of the people this way (Lev. 6:19; 10:17) and this portion can not be called a "burnt portion of the Lord." Therefore, in the cases where the priests would not consume the meat of the sin offerings, that portion could not come upon the altar but had to be burnt outside of the camp (Lev. 4:12, 21; 8:17, etc. See also my *Comment. zu Lev.*, pp. 49 and 58).

A reference to the sacrificial cult as it was practiced before the establishment of the Aaronide priesthood, is found in the term *chazeh ha-r'nufah* [breast of waving] and *shoq ha-r'rumah* [thigh of heaving] (Lev. 7:34). Ex. 29:22-25 rules that on the occasion of the consecration sacrifice, the fat as well as the thigh be sacrificed on the altar. And because the thigh is presented as a gift to the Lord (ibid. v. 27) it is called *shoq ha-r'rumah*, as otherwise also concerning the gifts that are brought to God the expressions *r'rumah* and *ha-dum* are used (cf. Lev. 2:9; 4:8, 10; 19:6, 8). And after God gave this divine portion to the priests the name was not changed once it was used at the consecration. On the other hand, the *chazeh* was the portion of Moses at the occasion of the consecration, as he was then the priest in charge (Ex. 29:6). It was not a *r'rumah* for God but a wave offering (*r'nufah*) which is sanctified in a symbolic way on the altar, and it kept therefore the name *chazeh ha-r'nufah*. The rites that were performed during the consecration were certainly based on the older pre-Sinaitic sacrificial rites, according to which the thigh of the peace offering was always brought before God. <sup>154</sup>

<sup>153</sup> For this speaks also the later custom at the private altars; cf. Ju. 6:19 ff. For that matter, also the drink and *minchah* offerings (Num. 15:4 ff.) are sacrificed completely at the altar (Ex. 29:41; Num. 28:8, 13; etc.

<sup>154</sup> The Greeks, too, sacrificed the separated thighbones which were covered with fat (cf. Knobel on Lev. 7:32 and Dillmann on 3:4, 9. See my *Comm. zu Lev.*, p. 64 f.)

In conclusion, Lev. 17:5, too, presupposes that the Israelites had a sacrificial cult before the establishment of the Tabernacle, whereby they sacrificed in "the open field," probably at the *hamot*. This cult, it is true, was from then on prohibited, not because it was considered to be against God's will as such, but only because at times it would degenerate into idol worship. The PC cannot possibly have represented the view therefore, that the Patriarchs would not have sacrificed before God.

b) According to Wellhausen (*Gesch.* p. 58-62), the vehement struggle fought against the sacrificial cult by the prophets Amos, Hosea, Isaiah, Micah and Jeremiah, shows clearly that they were not familiar with and did not know about the sacrificial cult as an article written in the Torah. Against this it can freely be argued that if understood absolutely, these prophetic words are also directed at JE and Deuteronomy – as there, too, sacrifices and altars are sufficiently enjoined. The Patriarch Abraham was commanded to sacrifice his only son, and he was especially credited for his willingness to follow this commandment (Gen. 22:12). God instructed Jacob to build an altar in Bethel (Gen. 35:1). In the Covenant legislation the bringing of the firstlings of the fruits, the Pesach sacrifice, firstborn of the cattle, the redeeming of the firstborn sons, and the festival sacrifices are demanded (Ex. 22:28 f.; 23:15, 18 f.; 34:19, 25 f.). In many passages Deut. 12-16 orders that the various sacrifices be taken to the holy city so that they may be brought according to one's financial abilities. For the offering of the firstlings an especially elaborate ritual is prescribed (ch. 26). It is necessary in this regard to read the prophetic passages attentively and in context in order to understand that these men of God did not just declaim against the sacrificial cult, but against any empty form of religion, be it Mosaic or not Mosaic, prescribed in the PC or in JE.<sup>155</sup> Isaiah (1:12), for instance, says: "When ye come to appear before Me, who hath required this at your hand, to trample My courts?" and in this way he signifies the commandment "to appear before God," which is found repeatedly in JE and Deuteronomy, while only outwardly performed, as a trampling of the Sanctuary. And thus also Amos and Jeremiah consider any sacrifice that is brought without the proper intention as a mere consumption of meat without any respect for the fact that this deed is commanded by the law of Moses. Isaiah also polemicizes against the vain celebration of the Sabbaths commanded in the Decalogue and also in many places in JE (Is. 1:13). He also says: "Your new moons and your appointed feasts My soul hateth" (1:14). He comments upon this himself in his polemic against the prayers (29:13): "With their mouth and with their lips they do honour Me, but have removed their heart from Me, and their fear of Me is a commandment of men learned by rote." Even if it is commanded by God a hundredfold, so the

<sup>155</sup> On the cult in the prophetic literature, see its extensive treatment in Bredenkamp's *Gesetz und Propheten*, p. 55 ff. Also, J. Robertson, *Die Alte Rel. Isr.*, p. 324.

prophets teach, the way the people perform it, makes it into a precept of man. The forty years of wandering in the wilderness during which, according to Amos (5:25) the Israelites brought no sacrifices, are the very same forty years during which Israel, according to Num. 14:33 f. had to roam about in the wilderness as a punishment. Strictly taken, they are only thirty eight years, during which, indeed, nothing is heard about the practicing of a sacrificial cult.<sup>156</sup>

Finally, with regard to Jer. 7:22, the prophet himself has the following historical facts in mind. When God sent Moses to redeem his people, He said to him (Ex. 3:12): "When thou hast brought forth the people out of Egypt, ye shall serve God upon this mountain."

94) Moses also always speaks to Pharaoh in God's name: "Let My people go, that they may hold a feast unto Me in the wilderness". (Ex. 5:1, 7:16, etc.). Moses calls the forthcoming festival and the divine service "a feast unto the Lord" (Ex. 10:9). Moses as well as the Israelites nursed the expectation that this divine service would consist of the bringing of many hecatombs. When Pharaoh wanted to withhold the Israelites' cattle, Moses said: "Thou must also give into our hand sacrifices and burnt-offerings (*zevachim* and *olot*) and we know not with what we must serve the Lord, until we come thither" (Ex. 10:25-26). When Israel arrived at Mount Sinai, however, no sacrifice was demanded of them at all, only that they would obey the voice of God and keep His Covenant (Ex. 19:5). It is this pentateuchal passage that Jeremiah has especially in mind when he says (7:22-23): "For I spoke not unto your fathers, nor commanded them in the day that I brought them out of the land of Egypt, concerning burnt-offerings or sacrifices (*olot* and *zevachim*)" (although they had provided themselves plentifully with *olot* and *zevachim*). "But this thing commanded I them, saying, Obey My voice and I will be your God, and you shall be My people." The contents as well as the mostly identical expressions of both passages prove that Jeremiah is thinking here especially of Ex. 19:5. It follows from this that the conclusion drawn from this passage, namely Jeremiah would not have known or recognized the sacrificial Torah, is totally unjustified. (See also my *Comm. zu Lev.*, p. 265 ff.).<sup>157</sup>

c) The PC would further, according to Wellhausen (*Gesch. Isr.*, p. 67 ff [p. 63 ff.]), distinguish itself from the pre-exilic literature with regard to the sacrifices.

1) Incense occurs for the first time in Jer. 6:20, but not even once in the exhaustive listings in Amos 4:4 f.; 5:21 ff.; Is. 1:11 ff. and Micah 6:6 f. Yet neither is the wine for the drink offering found in these ostensibly exhaustive listings, although this offering is documented in many passages (Hosea 9:4; II Kgs. 16:13, 15, etc.), and even the oil is mentioned

<sup>156</sup> See Bredenkamp, l.c., p. 84 ff; or Robertson, l.c., p. 181 ff.

<sup>157</sup> See Robertson l.c., p. 328 f.; or Bredenkamp l.c., p. 108 ff. See also the Hebrew weekly *ha-Maggid* 1876, p. 387; 1877, p. 47. [See on this passage in Jer. (7:21-23) also Milgrom, "Concerning Jeremiah's Repudiation of Sacrifice," *ZAW* 89(1977): 274-275 reprint in *Studies in Cultic Theology and Terminology*].



by Micah (6:7) only in hyperbolic speech: "ten thousands of rivers of oil." The frankincense, however, is sacrificed only in small quantities, and it is merely a coincidence that because of its scarcity, Jeremiah considered it especially worth mentioning.

94) 2) The PC always uses *volet*, but in relation to the cult only *qemach*. (Wellh., p. 69) [p. 63 f.] - Only twice in the pre-exilic period is sacrificial flour (*qemach*) mentioned (Ju. 6:19; I Sam. 1:24). When in those places the general flour (*qemach*) without the specific definition *qemach volet* ("fine meal", see Gen. 18:6) is found, then this surely does not mean anything.

3) In ancient times the meat was to be brought only boiled, while in the PC this is always consigned to the altar flames in its raw condition. (Wellh., p. 70) [p. 68 f.] - For the first instance we find a proof text (Ju. 6:19), where (not at the main Sanctuary) on the occasion of a special divine appearance a prepared young goat was sacrificed. No conclusion can be drawn from this passage with regard to the regular rite at the main Sanctuary. When, however, Wellhausen also tries to prove from I Sam. 2:13 ff. that boiled meat was brought on the altar, this is not supported by anything, as in that passage only mention is made of meat which is boiled for a sacrificial meal; which was also the purpose of the cooking vessels which served in the Temple (Lev. 6:21; Ez. 46:20, 24). Positive proof that the pieces for sacrifice came raw upon the altar, is already supplied by the countless sacrifices of Solomon (I Kgs. 3:4; 8:5, 63), which could not possibly all have been boiled.

4) It is equally false, when in Ez. 46:20 the baking of the *minchah* is connected to the part which is sacrificed on the altar (Wellh., p. 71 [p. 68]). From this Wellhausen tries to prove that in the earlier days the meal offering was only brought baked. In that passage, however, mention is made of the priestly portion, which, also according to the PC (Lev. 6:9 f.) was baked and consumed within the Sanctuary. The addition to the burnt offering came certainly raw on the altar (Ez. 46:14) - Ju. 6:19 cannot possibly prove anything with regard to the regular sacrifices at the Sanctuary.

5) The prohibition to sacrifice leavened cakes (Lev. 2:11) was not kept, so it seems, in the olden days (Wellh., p. 77 [p. 69]). Evidence for this should be I Sam. 10:3. - That, however, the three breads themselves could not have been a sacrifice is proven by the fact that two of them were given to Saul. Nothing can be concluded, moreover, concerning a *hamah*, as has been noted repeatedly. Besides this, Lev. 2:12, too, permits leaven as a firstling offering.

d) In ancient times most of the sacrifices are supposed to have been *shelamim* since in the PC the *mizbeiach* was transformed into a *mizbach ha-'olah*. (Wellh., p. 71-75 [p. 69-72]) - At closer inspection, however, the relationship between the burnt offering and the peace  
95) offering would have worked out as follows: the oldest known sacrifice in the Holy Scriptures, is the *'olah*. Also the *minchah*, the simple gift of plants or animals, which is already found with regard to Cain and Abel (Gen. 4:3 f.), were as far as the *'olah* was concerned

similar, as they were totally consecrated before God (see above, p. 90). Only later did God transfer His fire gifts to the priests. Noah only brings burnt offerings (Gen. 8:20), and likewise Abraham and Isaac only knew about this kind of sacrifice. When Abraham went to Moriah with his son, the latter asked: "Behold, the fire and the wood; but where is the lamb for a burnt-offering?" (Gen. 22:7). The question is phrased in such a way as if there were no other sacrifices than the *olah*. In Job, too, only *olah* sacrifices occur (1:1; 42:8), while according to its author Job lived in the patriarchal era. Only in the days of Jacob do we find for the first time the *zevach* (Gen. 31:54; 46:1). In any case, the narrative in Genesis shows that the *shelamim* are of a later date than the *olah*.<sup>158</sup>

In the days of Moses the altar was consecrated mainly for the daily community sacrifices, for the *tamid* sacrifice (Ex. 29:38 ff.), and therefore it is called the *mizbach ha-olah*. In later practice the burnt offerings undoubtedly were predominant among the community sacrifices, since the participation of the entire community in a communal sacrificial meal would be impossible. With regard to the private sacrifices, however, either *olah* or equally *shelamim*, or preferably the *shelamim* were represented. The PC teaches this just as much as the other sources do. The princes sacrificed mostly *shelamim* (Num. 7). Individuals bring equally burnt offerings as well as meal offerings on festive days (Lev. 23:37; Num. 15:3; 29:39). The sons of Reuben and Gad also repeatedly mention burnt and meal offerings which they intend to bring only at the main Sanctuary (Josh. 22:23, 26, 28, 29). It must be admitted, though, that at the *hamot*, the meal offerings occurred more frequently. At the main Sanctuary, on the other hand, these could only be brought on festivals, as the people would make a pilgrimage there (Is. 1:11 f.). A difference, in this respect, between the PC and the other ancient sources is only sought, but not found.

- c) According to Wellhausen (*Gesch. Isr.*, pp. 75-77 [pp. 73-75]), sin [*chatta't*] and guilt [*'asham*] offerings do not occur anywhere until Ezekiel and it seems that they have come in place of the earlier money fines not long before his time, in the seventh century. - We will not occupy ourselves here with the true and correct interpretation of the passage II Kgs. 12:17. But one thing is absolutely certain for us, and that is that Wellhausen's explanation is absolutely false. By which right could all pecuniary fines be explained as property of the priests? And apart from this, even in the PC only in case a person dies without heirs the priest [as a representative of God] receives the monetary fine which is due to the deceased (Num. 5:8). The PC has therefore curtailed the income of the priests, according to Wellhausen! - With regard to this let us not forget that the sin [*'asham*] offering also occurs in Ps. 40:7, - a psalm which, according to its introductory sentence was composed by David, ac-

<sup>158</sup> Dillmann too (*EL*, p. 420) explains the burnt offering as being the oldest form of sacrifice.

cording to Hitzig by Jeremiah and according to Ewald around the year 621 after the discovery of the law codex under Josiah.<sup>159</sup> And if the sin offerings were only instituted in the seventh century, a poet of this period could not possibly speak of this as something which was widely known. Moreover, in Ezra (8:35) we find that the sin offering was also called *olah*. That the *olah* could also serve as atonement, is not only proved by Job 1:5; 42:8 as well as Ps. 40:7, but is also clearly presented by the PC (Lev. 1:4). From this we learn that *olah* was also a generic name for all of the holiest animal sacrifices of which the *chattat* only represented a certain kind for bringing about atonement. From many passages it can be shown that the sin offerings had the specific purpose to make atonement for the Sanctuary when it had been defiled through the sins of the people, just as in the case of individual people (Lev. 15:31; 16:16, and see my *Comm.*, p. 213). Hence these sacrifices were only brought at the main Sanctuary and not at the *hamot*, something which is also clearly shown by Jewish tradition in Zevachim 117a. Is it possible, however, to draw any conclusion from the few passages in the Bible telling about the divine service at the main Sanctuary, if in those places the specific kinds of sacrifice are not mentioned? A weaker *argumentum e silentio* is not possible! One time all the animal sacrifices would be brought as *olah* and *zevach* (the holiest and ordinary sacrifices) (II Kgs. 16:15); and another time the various kinds of sacrifices would be combined in *zevach* and *minchah* (animal and plant sacrifices) (I Sam. 3:14). It should thereby be taken into account, that the sin offering was mostly brought apart, besides many other sacrifices (cf. Num. 28-29), and it would be that much the easier to be overlooked in a general listing. The same  
 97) applies to the guilt offering. - The prophet Jeremiah (17:1) also appears to be hinting at the ritual of the sin offering, when he says: "The sin of Judah is graven upon the horns of your altars," because only the blood of the sin offering would be sprinkled upon the horns of the altar (Lev. 4:7, 25, 30). It seems that Zech. 9:15, too, hints at this - which text, according to some commentators is much older than Jeremiah. The sin offering is also mentioned in Hosea 4:8 with the words: "They feed on the sin of My people (*chatt'at Cami yo'khlū*)." <sup>160</sup>

Wellhausen thinks that "in the early days, worship arose out of the midst of ordinary life and was in most intimate and manifold connection with it." In the PC, however, "It receives, so to speak, an abstract religious character; it separates itself in the first instance from daily life." (*Gesch. Isr.*, pp. 78, 83 [pp. 76, 81]). - Wellhausen drew this conclusion on the one hand based on his construction of the history of the cult in the early days from those few data offered by the historical sources which also tell of the connection between daily life and religion, while on the other hand the many widely branched out commandments in

<sup>159</sup> With regard to this, see Bredenkamp, *Gesch. u. Propheten*, p. 59.

<sup>160</sup> See also Halévy, *Recherches Biblique II*, p. 230 f. and my *Comm. zu Lev.*, p. 221.

the law book are being treated in an abstract manner and because of the lack of historical sources history itself cannot be consulted. Wellhausen has been looking through a number of colored spectacles. As a matter of fact, one should try to arrange the history of the cult in the era of the Second Temple from Josephus' historical works, but consider thereby the facts only objectively, disregarding the views of the historiographer - let us see whether one will obtain the same picture which is offered by the law book! Or whether not doubt could be cast upon the validity and recognition of the laws regarding the centralization of the cult by the Onias Temple in Egypt, the Samaritan Temple on Mount Gerizim, or the other cults among the Jews outside of Palestine! <sup>161</sup> Or whether not the activities and practices of the Hellenists, the later Maccabees and the Herodians correspond to the theocratic legislation of the Pentateuch!

### The Festivals

The supposed lateness of the PC is especially clear in the legislation regarding the festivals. According to Wellhausen (*Gesch. Isr.*, pp. 84-123 [pp. 83-120]) the indications testifying to a post-exilic origin of the PC are so numerous here, that one should wonder how until Vatke and 98) Graf, this had not occurred to anyone before. - On closer inspection, however, all the foundations disappear into thin air. But above all we want to remind that we already demonstrated (p. 16 ff.) the inadmissibility of separating those parts of the PC from the priestly *Grundschrift* labeled by the newest critics as H, and after this operation defining the special character of this *Grundschrift* (Pg). Above (p. 21) we have shown in particular that the festival laws in Lev. 23 (together with Num. 28-29) should be taken as a homogeneous festival order, from which the verses 9-22 and 39-44 may not be separated to form another source (H). Further we have pointed out above (p. 53) how the festival laws of Lev. 23 are divided into two parts and both parts end with an identical closing sentence (I am the Lord your God), which should sufficiently demonstrate the homogeneity of these legal pericopes.

However, the fact that Lev. 23:9-22 and 39-44 are somewhat dissimilar from the other laws in this chapter and rather have the form of an appendix, is easily explained by the following factor. The legislation of the PC is a legislation for the wilderness in the strictest sense, not only given *in* the wilderness, but also *for* life in the wilderness. The three main festivals, however, apart from their immediate historical significance, are at the same time agricultural

---

<sup>161</sup> See the article: "Die Synagogen im Alterthum" in *LB der Jüd. Pr.*, 1878, p. 21. [Mention should be made in this respect also of the Temple at Yev (Syene) of the Jewish garrison in Egypt (in the service of the Persian empire) in the 5th c. BCE, its syncretistic worship and its relation with the Jerusalem Temple and its priesthood. See on this, Bezalel Porten, *Archives from Elephantine*, Los Angeles: University of California Press, 1968 (esp. pp. 105-133, 289-293); Bezalel Porten and Jonas Greenfield, *Jews of Elephantine and Arameans of Syene: Aramaic Texts with Translation*, Jerusalem: Hebrew University, 1980 (esp. letter Cowley 30-31) ']

festivals. This latter aspect could not be effective in the wilderness and it was therefore necessary to deal with their observance in the holy land separately in a supplement.<sup>162</sup> Consequently the first appendix begins with the words: "When ye are come into the land."

Here we see that the Pesach festival is also to be observed as a harvest festival. This is expressed in the words "the morrow after the day of rest," i.e. after the first day of the festival (the first work day of the festival - *chol ha-mo'ed*) through the beginning of the harvest and the bringing of the first-fruits of the harvest (see my *Comment on Lev. 23:9 ff.*). The other appendix shows how Sukkot was to be observed in the Holy Land. "When ye have gathered in the fruits of the land" (Lev. 23:39-43). The Israelites are to take "the fruit of goodly trees, branches of palm-trees and rejoice before the Lord your God seven days" [v. 40] and dwell in booths, so that the following generations when they live in prosperity, may also be aware of how God one time guided Israel and looked after it (cf. Hosea 12:9-10).<sup>163</sup> Likewise with regard to the laws of the meal offerings in Lev. 2 the verses 11-13 are clearly to be regarded as a conclusion to these laws. This is followed by an appendix (vv. 14-16) concerning a sacrifice which is only to be brought later in the Holy Land, namely the *minchah* of the first fruits, which is identical to the "sheaf (*omer*) of the first fruits" commanded in Lev. 23:9 ff., which is also demonstrated in my *Leviticus commentary* (p. 156 ff.)

#### *The Significance of the Festivals in the PC and the Festival Offerings*

Wellhausen is of the opinion that in the PC the festivals have been stripped of their natural meaning and been reinterpreted as historical festivals, while in the time of this ancient legislation all feasts were nature festivals.<sup>164</sup> However, he only comes to this result through totally miscarried critical procedures. JE (Ex. 23 and 34) as well as D (ch. 16) know of the Feast

<sup>162</sup> We should make an observation here which may explain a number of facts that the newest criticism can only clarify through a wild cutting up of the PC itself into "core, supplementary laws and redactional additions." When examining the opening sentence at the beginning of Leviticus, just as the closing sentences at the end of Lev. and Num., it can be shown that three localities existed in the wilderness where divine legislation had been revealed: 1) Mount Sinai; 2) the Tent of Meeting or the wilderness of Sinai (Num. 1:1); 3) the plain of Moab. The various laws were first of all recorded on different scrolls (which seems also to be the opinion of R. Yochanan in Gittin 60a). At the end redaction, however, the material that belonged together was compiled from the various law collections according to certain specified norms, whereby the earlier wording may also have been preserved, through which process in the new context it may not have seemed to be completely conform to its new environment. And thus I have supplied proof in my *Commentary on Lev.* p. 17 ff., that the sacrificial laws in Lev. 1-7 consist of a legislation originating at the Tent of Meeting (ch. 1-5) and a legislation given on Sinai (ch. 6-7) which was originally connected with Ex. 29. Likewise it has been made plausible there that Lev. 18 is a sinaitic law and that the related ch. 20 is a law belonging to the Tent of Meeting (cf. Lev. 18:21 with 20:3). The supplements to Lev. 23 should be explained in the same way, and thus we may better understand the vague expression (v. 11): *memoriarat ha-shabbat*, concerning which there can be no doubt as about its meaning according to my *Commentary* on that passage.

<sup>163</sup> From the main legal texts it does not become clear what the significance of the Sukkoth festival was for the generation of the wilderness. We should follow Josephus (*Ant.* III, 10:4) here who says that it was on the 15th day of the 7th month that the Israelites were given the commandment in the wilderness to build booths and to prepare for the winter. For this reason, the festival which was then observed may have been called *chag ha-sukkot* (cf. Is. 4:6). The account of this, at which Lev. 23:43 perhaps hints, has not been preserved.

<sup>164</sup> [Wellh., pp. 85-120, esp. p. 92 ff. of the Engl. transl.]

of Matzot only as a historical festival. There are no signs in this text, however, that it is also supposed to be a harvest festival. Only the PC (Lev. 23:9 ff.) informs us concerning this as clear as can be. And then it is this pericope (Lev. 23:9-22), only through which the passage of Deut. 16:9 is made clear, which is forcibly torn from the PC [Wellh., p. 86, note]. Even though Num. 28:26 <sup>165</sup> strongly opposes this act, Wellhausen thinks (*Gesch.* p. 88 [86, note]) that in spite of this he is "completely justified" to give priority to this passage in explaining Deuteronomy, so as to connect the Feast of Matzot thereby to life, and subsequently (p. 103) to degrade the rites of the barley harvest and wheat loaves to 'slight traces,' which 'betray' the origin of the feast. - Indeed the connection of the Feast of Matzot with agricultural life could not have been shown clearer, than is done in the PC, where suddenly, with the words: "And when you shall come into the land" [Lev. 19:23] the stage of history is changed and we are transplanted from the wilderness into the fields rich in sheafs of corn. <sup>166</sup>

With regard to the Feast of Sukkot violence is done to the PC in reversed order. There the historical explanation in the supplement (Lev. 23:43) would testify to the fact that Tabernacles, too, was to be considered as a historical festival. In truth, however, the time determination: "when ye have gathered in the fruits of the land," as well as the rite of branches of palm trees (vv. 39-40), characterize the Feast of Sukkot adequately as an agricultural festival, and only the rite of dwelling in booths would be reminiscent of a historical event. The relation is also such that in the PC the agricultural meaning with regard to all three main festivals is clearly indicated. With regard to the Feast of Matzot, which is primarily a historical festival and only a secondarily a harvest festival, JE only indicates the more important meaning and even though Deuteronomy refers to the secondary meaning, it does so by using words which are only clearly intelligible by means of the provisions in the PC.

Wellhausen emphasizes that according to the PC the sacrifices are only communal sacrifices, whereas in the other sources it is precisely the festal offering that is [a sacrificial meal, that is to say,] a private sacrifice (Wellh., p. 102 f. [p. 99]). Against this it can be argued that in

<sup>165</sup> [Lev. 23:15 - "and ye shall count unto you from the morrow after the day of rest, from the day that ye brought the sheaf of the waving; seven weeks shall there be complete; 16 - even unto the morrow after the seventh week shall ye number fifty days; and ye shall present a new meal-offering unto the Lord."

Deut. 16:9 - "Seven weeks shalt thou number unto thee; from the time the sickle is first put to the standing corn shalt thou begin to number seven weeks. 10 - And thou shalt keep the *feast of weeks* unto the Lord thy God after the measure of the freewill-offering of thy hand, which thou shalt give, according as the Lord thy God blesseth thee."

Hertz - 10: "the *feast of weeks*, Heb. *Shavuot*. In Ex. 23:16 it is called 'the feast of harvest', and in Num. 28:26 'the day of the first-fruits', alluding to its agricultural aspect. In the Liturgy it is described as *zman matan toratenu*, 'the Season of the Giving of Our Torah', viz. the Revelation at Sinai. It is thus both a nature and a historical festival".

Num. 28:26 - "Also in the *day of the first-fruits*, when ye bring a new meal-offering unto the Lord in your feast of weeks, ye shall have a holy convocation: ye shall do no manner of servile work."

<sup>166</sup> So too Dillmann, *Deut.*, p. 312.

various places the PC clearly shows that it does not command the bringing of private sacrifices on festivals, because they are presupposed; and in fact they are already prescribed in the covenant legislation (Ex. 23:14 ff.). In Lev. 23:38 and in Num. 29:39 it is clearly explained that the communal sacrifices are to be brought besides the various individual free will offerings; just as Num. 15:3 mentions private offerings on festivals (cf. also Num. 10:10). Thus there is just  
 101) the one difference that the PC prescribes the communal sacrifices while other places in the Pentateuch do not mention them. This is simply explained by the fact that the PC is intended as teaching for the priests as to how they should carry out the divine service in the main Sanctuary, while for instance the Book of the Covenant provides instructions for the people. If one, however, would want to conclude from the silence on the other pentateuchal laws that in ancient times no special festival sacrifice was brought at all for the community, then it should on the same grounds be assumed that at that time absolutely no communal sacrifice for the people had existed at all, which, in the light of II Kings 16:15, is impossible. If it was so that a sacrifice for the people was brought daily, in the morning and evening, then it is only natural to assume that on the Sabbath and festival days the communal sacrifice was multiplied.

*The designation of the Festivals according to the Days of the Month in the PC*

The fixing of the festivals by the days of the month is seen as a further indication of the post-exilic composition of the PC (Wellh. p. 104 [p. 101]). According to JE and D, however, the festivals should not be fixed on specific days of the month: Pesach occurs in the harvest month, Shavuot at the end of the wheat harvest, and Sukkot after the ingathering. - It cannot possibly be assumed, however, that JE and D would not fix the festivals exactly and leave it up to the individual to celebrate it on this day or the next. Dillman rightfully states (*Sitzungsbericht der Akad.*, 1881, p. 932): "In order to have a communal and simultaneous celebration of the festivals a stronger regulation of the calendar was necessary." Apart from all else, the wording of Scripture in Ex. 13:3, Deut. 16:3, 6, where it is decidedly commanded to remember the day of the Exodus from Egypt and to celebrate it, too, shows that everyone celebrated the Pesach festival at the same time and on a fixed day. Also the work prohibition for the seventh day of Pesach (Deut. 16:8, cf. Ex. 13:6) shows clearly that this day was the same and strictly fixed for all Israelites, just like the Sabbath and New Moon day (Amos 8:5).

102) The reason why in the PC the festivals are arranged according to the days of the month but elsewhere according to the seasons, could very well be as follows. There is no doubt that in ancient days the Israelites celebrated the day of the new moon and therefore based their calculations on lunar months.<sup>167</sup> On the other hand, the arrangement of the festivals according to

<sup>167</sup> "The Phoenicians did not know the expression *chodesh* for 'month' and neither did the other Semitic peoples. When the Phoenicians used *chodesh* it is only in the original meaning of 'new light', 'new moon'. - Its use for

seasons, argues for the fact that the solar year was introduced in Israel, which seems quite natural among an agricultural people.<sup>168</sup> The PC, too, must be counting according to solar years, as otherwise it could not command to bring the Omer on Pesach and celebrate Sukkot in the seventh month together with the harvest (Lev. 23:39). It must also be admitted that approximately every three years an extra month is intercalated in order to adjust the lunar year to the solar year.<sup>169</sup> Thus a year has then twelve and then thirteen lunar months. In secular life, especially among agricultural peoples, a solar year may have been customary, which regardless of the lunar month, just as with us was divided into twelve parts of 30 or 31 days, from which likewise the word "month" was derived. The economical months which always fell in the same season were named especially after them: Aviv, Ziv, Ethanim, Bul.<sup>170</sup> (see Rashi on TB Sanhedrin 13b s.v. *shamor 'et chodesh ha' aviv*), while the lunar months were merely indicated by ordinal numbers: first, second, third month. The arrangement of the religious calendar was the obligation of the religious leaders of the people or the priests, and they had to see to it carefully that the 15th day of the first month, being the beginning of the Pesach festival, would fall in the month of Aviv, being the month of the ripening of the barley. This would also result in all the other festivals coinciding with the season as prescribed in the Law. However, in case the 15th of the first month would fall before the first of Aviv, a lunar month had to be added.<sup>171</sup> The 15th of the first lunar month could, therefore, be the first or

---

'month' is an Israelite innovation" - "From their prevailing usage of *chodesh* for 'month' it follows logically that they were familiar with lunar months from the beginning, as is natural among non-sedentary peoples and which was also the case among the desert Arabs. - In favor of this also speaks the celebration of the new moon, which continued among them all through the entire period of the monarchy." (Dillmann, l.c., p. 929). [For an extensive treatment of the Israelite calendar, see e.g. Julian Morgenstern, "The Three Calendars of Ancient Israel," in: *HUCA* 1(1924): 13-78, 3(1926): 77-107, 10(1935): 1-148, in which he deals with both the lunar and solar aspects of the calendar, Canaanite and non-Canaanite contributions and the fixing of the festivals.]

<sup>168</sup> The Canaanites called the months *verachim*, counted usually 30 days to a month and divided it into 'decades' (*casar*). - All this indicates that the Canaanite months, which were also used by the Israelites in secular life, must have been solar months. (Dillmann, l.c., partly already stated by Credner, *Comment. zu Joel*, p. 210).

<sup>169</sup> The fixing of the spring month and with it the adjustment of the lunar months to the solar year was quite simple: If after the twelve lunar months the corn in the fields was so far that one could hope to have ripe ears around the middle of the following month, then thereby the first month of the new year would begin; in case differently, it would start with the new moon after that. (Dillmann, l.c., p. 933).

<sup>170</sup> "Two of the ancient Hebrew names of the months have also been found in Phoenician-Cyprian inscriptions, namely *bul* in the inscription of Eshmunazar and in Cyprian inscriptions (*Corpus Inscript. Sem.* 1, 1 N.3 and 10 and 90, p. 13 ff. in 36 and 107) and *vereach etanim* in a only recently discovered Cyprian (*ibid.*, nr. 86a, p. 93 f.) - these were also undoubtedly Canaanite... (see however, Derenburg in *REJ* 1881, p. 124 ff.) - This is also the case with regard to 'aviv. Despite the fact that 'aviv always occurs together with the definite article and the word *chodesh* its meaning is still very clear and could very well also have the meaning of the name of a month. It is not different with regard to *etanim-bul*, rain month; *ziv*, flower month; *etanim*, month of the perennial brooks". (Dillmann, l.c., p. 925).

<sup>171</sup> *Seder Olam* (ch. 26) finds traces of such a leap year in Ezekiel. Ez. 1:1 f. mentions the fifth day of the fourth month of the fifth year of the exile; 8:1 speaks of the fifth day of the sixth month of the sixth year of the exile. Between the events mentioned there, which are one year and two months removed from each other, Ezekiel is sitting for seven days with the exiles (3:15) and lies motionless for 390 days on his left side and for 40 days on his right side (4:5 f.). Together this makes  $7+390+40 = 437$  days. As, however, one year and two months together is only  $354+30+29 = 413$  days, and even one solar year and two month would only yield 426 days, these dates in Ezekiel can therefore only be explained when this particular year was a leap year, which has 384 days.



thirtieth of Aviv. Since it was the people's custom to count according to the economic year, the law for the people simply commanded to celebrate Pesach in the month of Aviv. It was the duty of the religious authorities to determine which day of Aviv was intended. They would always consult the decisions of the Priestly Codex with regard to the determination of the seasons as well as the "Secrets of the Calendar" which had been transmitted to them (see my *Mar Samuel*, p. 203, *sodha libur*), and in exceptional cases they would also make their decisions based on the prevailing needs of the people (cf. Sanh. 11a). The ancient Asaph Psalm 81:4 also seems to indicate that Pesach was celebrated at the time of the full moon (cf. Ps. 81:9 with 50:7); see the dictionary s.v. פסח (Cf. also Dillmann I, p. 932).

104) *Further Differences between the PC and the other Laws*

After careful consideration the other special differences between the PC and the other sources with regard to the festival days vanish likewise. We will restrict our discussion to the seemingly gravest examples.

a) In Deut. 16:4, 8, like in Ez. 45:21, Pesach is considered as the first day of the Easter week, while in the PC Pesach takes place on the 14th of the month, but the festival week only starts on the 15th (Wellh. *Gesch.*, pp. 107 and 110 [pp. 101 and 104]). This claim rests on a false interpretation of the relevant passages.

We have already dealt with Ez. 45:21 (p. 42 ff.). With regard to Deut. 16:4, however, the words "neither shall any of the flesh, which thou sacrificest the first day at even, remain all night until the morning," tempted Wellhausen into assuming, "that the first festival day is precisely the day in the evening of which fell the Pesach." But this assumption is decidedly false. The words "the first day at even" refers to the evening before the first day; because the day ends after sundown, as is written in Deut. 24:15 and the evening belongs to the following day. If the Pesach would only be consumed in the evening after the first festival day, it could not have been commanded in v. 3: "seven days shalt thou eat unleavened bread therewith (*'akav*)..." since only six matzot-festival days follow the bringing of the Pesach. Our explanation implies moreover an irrefutable proof from Ex. 13:3-6, a passage which, according to Wellhausen (*JdTh* 1876, p. 544) belongs to D and which in any case cannot be allowed to be in blatant contradiction with Deuteronomy. There Moses says to the people: "Remember this day, in which ye came out from Egypt. This day ye go forth. Seven days thou shalt eat unleavened bread". At that time Moses spoke to the people publicly on the day after the night of the Exodus (Ex. 12:42):<sup>172</sup> therefore the first day of the festival

<sup>172</sup> That according to Num. 33:3 the Exodus took place in the morning does not contradict our passage, because here, as in Deut., Scripture considers the plague of the firstborn and the permission to leave (Ex. 12:31) already as the beginning of the exodus, although the actual exodus of course only followed in the morning.

105) week is the day after the night of the Exodus. According to Deut. 16:1 and 6, however, the Pesach is consumed in the night of the Exodus; consequently the first day of the festival week is the day after the Pesach evening. - If, however, Wellhausen involves Deut. 16:8, from which it would be concluded that after the Pesach only six festival days would follow; then we must again point to Ex. 13:6 as the best commentary to this passage. It says there: "Seven <sup>173</sup> days thou shalt eat unleavened bread, and in the seventh day shall be a feast to the Lord." In Deuteronomy this verse becomes: "Six days thou shalt eat unleavened bread; and on the seventh day shall be a solemn assembly to the Lord thy God". The essence is the same (see below); it means: after you have eaten matzot for six days, you will hold an assembly on the seventh day. It is obvious that on this day, too, matzot are eaten, as has already been commanded in v. 3. <sup>174</sup>

b) According to the PC the seventh day of Pesach, too, should be celebrated in Jerusalem as a *miqra' qodesh* [holy convocation] and all pilgrims who did not live nearby were compelled to spend the whole week there, while in Deuteronomy the journey back home starts in the morning after the Pesach (Wellh. *Gesch.*, p. 108 [105]) - However, by calling the seventh day of Pesach *miqra' qodesh*, the PC cannot have intended to command the celebration of this day in Jerusalem, since every Sabbath is, according to the PC (Lev. 23:3) a *miqra' qodesh*. <sup>175</sup> Also on the New Year and Day of Atonement are *miqra' qodesh* without the commandment of appearing in Jerusalem. And how could it be demanded in Lev. 23 to stay in Jerusalem until the seventh day of the matzot festival, when in v. 10 it is prescribed that the harvest should begin before that? <sup>176</sup> Finally, on closer examination it will be seen that the PC, just like D, differentiates the festival week of Pesach and the festival week of Sukkot. While concerning the latter it says: "...the feast of tabernacles for seven days unto the Lord" (Lev. 23:34), "...ye shall keep the feast of the Lord seven days" (Lev. 23:39, 41; Num. 29:12), - it says concerning the matzot feast only: "On the 15th...is the feast of unleavened bread unto the Lord,

106) seven days you shall eat unleavened bread" (Lev. 23:6; Num. 28:17), after which in fact matzah shall be eaten for seven days, but only the first day will be celebrated as festival. This is stated even clearer in Ex. 12:14: "And this day (the first day of the festival) shall be unto you for a memorial, and ye shall keep it a feast to the Lord." In the precise legislative

<sup>173</sup> When the LXX and the Samaritan Pentateuch read 'six' at this place, it can easily be understood that this is a correction based on Deut. 16:8.

<sup>174</sup> In my Commentary on Lev. 23 when dealing with the Omer and the Feast of Weeks, it is explained that 'in the morning' in Deut. 16:7 refers to the 16th of Nisan. Here, however, we refrain from this not totally certain explanation. Meanwhile let it be noted that the return to their tents could also have taken place on the 15th, on the festival day (see Tosafot in Chagigah 17b).

<sup>175</sup> See above (p. 9), the note against Kuenen.

<sup>176</sup> In my Commentary on Lev. 23 I present clear proof that this passage implies two matzot-days. And even according to the Karaites the harvest day would at most times fall in the middle of the festival.

formulation of the PC, therefore, only the first day of Pesach is called 'feast' (*chag*), while with regard to Sukkot all seven days are referred to as *chag*. This can only be explained from the fact that the PC, just like D,<sup>176</sup> requires one to be present at the Sanctuary on Pesach only one day, but on Sukkot for the full seven days.

Of course this expression must have had a broader meaning in regular popular speech. Outside of the PC it is used to describe any celebration.<sup>177</sup> Thus Moses and Aaron say (Ex. 10:9): "we must hold a feast unto the Lord". Another time Aaron says (Ex. 32:5): "To-morrow shall be a feast to the Lord." For this reason the seventh day of Pesach, which is called *atzeret* in Deut. 16:8, is called *chag* by Moses in his speech to the people (Ex. 13:6).<sup>178</sup> In the priestly laws (PC), on the other hand, *chag* is a term which is only used in connection with the pilgrim festivals.

- c) The festival legislation of the PC differs especially from the other sources on the following points: 1) while according to Deut. 16:13 Sukkot, just as in I Kgs. 8:66 and Ez. 45:25, only lasts seven days, the PC adds an eighth day, like in II Chron. 7:9; and 2) in the PC two new festivals occur which are otherwise not mentioned, namely New Year on the first day of the seventh month and the Day of Atonement on the tenth day of the seventh month (Wellh., *Gesch.*, p. 108 f. [p. 105 f.] and 111 [108]) - These occurrences could only then prove anything, if the PC would equate these three days of celebration: the eighth of Sukkot (*Atzeret*), New Year and the Day of Atonement, with the other three festivals: Pesach, Shavuot and Sukkot. However, this is not the case. The latter three festivals are *chagim*, pilgrim festivals. With regard to Pesach, it is true, only the first day stands out as *chag*, because with respect to the imminent harvest it is stated that, after the bringing of the Pesach sacrifice (Pesach in its limited as well as its broader sense: the flock and the herd (Deut. 16:2)) it is permitted to leave the Holy City. The last six days, however, constitute nevertheless only a continuation of the first day, since the matzot, after which the festival usually is named *chag ha-matzot*, are also eaten on those days. The second festival is called *chag ha-shavuot* because of the commandment which is contained in Lev. 23:9 ff., which in Num. 28:26 is presupposed as being known ("in your feast of weeks"), and that it is considered as *chag* is proven by the sacrifices that are prescribed in connection with it (see below). With Sukkot all seven days are called

<sup>176</sup> This does not imply, of course, that the PC would presuppose D. Rather it is the provision concerned in the PC itself (Lev. 23:9 ff.) which is clearly enough included. When modern criticism connects these verses (Lev. 23:9 ff.) to the Holiness Code (H) and denies them from the basic source of the PC (Pg), then it is found in the decisive evidence that lies before us, which demonstrates the unity of Lev. 23:1-8 with Lev. 23:9-22, likewise clear proof against their words.

<sup>177</sup> Occasionally *chag* is also called 'festive offering'; cf. e.g. Ex. 23:18; Mal. 2:3; Ps. 118:27.

<sup>178</sup> Perhaps there the seventh day is called so with respect to the *chag* which was to be celebrated in the wilderness (Ex. 5:1, 10:9) and it may well be that this celebration actually did take place on the seventh day after the exodus, although Scripture does not mention anything about this. According to the Mekhilta on Ex. 13:6 *chag* means 'festive offering,' and there a festive offering (*chagigah*) is also demanded for the seventh day of Pesach.

*chag* again. In contrast Shemini Atzeret, <sup>179</sup> New Year and the Day of Atonement are not to be recognized as a joyful celebration (*chag*). Atzeret is separated from the preceding festival every time, both in the main legislation of Lev. 23, where for the first time in v. 34 mention is made of a seven day festival, and likewise in the supplement where the rites of *lulav* and the dwelling in booths is only prescribed for the first seven days (vv. 40, 42); and as well as in Num. 29, where only during the first seven days in descending order 13-7 bulls, in total 70 bulls, are being sacrificed, while Atzeret is excluded from this sacrificial system. New Year and the Day of Atonement are undisputedly not considered to be pilgrim festivals. - The differentiation between Pesach, Shavuot and Sukkot on the one hand, and Atzeret, New Year and the Day of Atonement on the other hand is demonstrated most clearly by the arrangement of the festival sacrifices in Num. 28-29. The number of bulls to be sacrificed especially for the festival (as *musafin*) offers the most correct yardstick for the festive joy. In that fashion only Sukkot is the most joyful celebration on which 13-7 young bulls are offered daily. This is followed by Pesach and Shavuot on which two young bulls were brought daily as a festival sacrifice. (The sacrifices contained in Lev. 23:18 f. are not festival sacrifices but additional offerings to the first-fruits bread: *'al ha-lechem*; see my Commentary ad loc.). With regard to the festival sacrifices on Atzeret, the New Year and the Day of Atonement, on the other hand, only one bull each time is prescribed. And since these feasts are not joyous celebrations or pilgrim festivals Deuteronomy does not deal with them, just as it is silent about the New Moon celebration, as is the covenant legislation in Ex., although this feast is already testified to in ancient times. <sup>180</sup> In the actual Deuteronomy (chs. 12-26) there is not even mention of the Sabbath, because only the joyous celebrations and pilgrim festivals (*chagim*).

<sup>179</sup> TY Nedarim, beginning of ch. 5 (e.g. quoted in Ran on TB Ned. 49a) thinks that, it is true, in the language of the people Atzeret too would have been called *chag*, but not in the language of Scripture. The later deciders (quoted in *Sha'arei Teshuvah* on p.8, 668) try to prove that Atzeret, too, is a *chag*, in order to justify the prayer formula *chag ha-'atzeret*. However, from the strict scriptural sense this means nothing. Heidenheim in *machzor* brings a wording: *hashemini 'atzeret ha-chag ha-zeh*, after which the eighth day is characterized as *'atzeret* of the *chag* (i.e. the Feast of Booths).

<sup>180</sup> From the silence of JE and D concerning the festival of the New Moon, Dillmann (*EL*, p. 635) proves with good reason that these legislative books are incomplete with regard to the festival laws and that only the PC is reliable on this issue. Nowack (*Hebr. Arch.* II, p. 139 ff. - and Wellh., p<sup>2</sup> 118 [113-4]) thinks that, on the one hand, "it may have been with a deliberate intention that the New Moon festival was thrust aside on account of all sorts of heathenish superstition which readily associated themselves with it; but on the other hand, it is possible that the undesigned preponderance gained by the Sabbath may have ultimately given it independence, and led to the reckoning of time by regular intervals of seven days without regard to new moon, with which now it came into collision, instead of, as formerly, being supported by it." - This latter explanation, now, rests on the unfounded assumption, dismissing all evidence, that the origin of the Sabbath may be found in the four phases of the moon. Since, however, the four phases of the moon add up to more than 29 <sup>1</sup>/<sub>2</sub> days, it would have been necessary every month to move the Sabbath forward one or two days. Of such a Sabbath, however, no trace is to be found in any source. The former opinion is therefore likewise untenable. Apart from the fact that nowhere an indication can be found that any "heathenish superstition" was ever connected with the New Moon feast whatsoever, it is impossible to assume that a theocratic tendency would have been "thrust aside", as the day of the New Moon was already used for proclaiming the teachings of the prophets (II Kgs. 4:23). [See also, William W. Hallo, "New Moons and Sabbaths: A Case-study in the Contrastive Approach," *HUCA* 48(1977): 1-18.]

on which one had to journey to the chosen place in order to rejoice before God are only mentioned by Deuteronomy mainly in order to enjoin the unity of the sanctuary. -

Now we can also easily understand why Solomon dismissed the people on the eighth day of Atzeret (I Kgs. 8:66), as this was only intended for quiet and rest. <sup>181</sup> From Ezekiel's silence nothing can be concluded, because neither does he mention Shavuot (above,

109) p. 42 f.) - It should be noted that the prophets (Hos. 2:11; Ez. 46:11), when they speak of *chagim*, most probably the three great pilgrim festivals are intended and when they use *moradim* they intend Atzeret, the New Year, and the Day of Atonement. <sup>182</sup>

d) "In the period of the kings the change of the year occurred in autumn. The autumn festival marked the close of the year and of the festal cycle." (Ex. 23:16; 34:22); in the PC, however, the secular new year had been shifted to spring and only the religious new year, the *yom teru'a*, fell on the first new moon of autumn, with Sukkot yet to follow. Once the years began to be reckoned from the spring, the months would be designated by number instead of by the old Hebrew names (Aviv, Ziv, Bul, Ethanim). The religious new year seems at first to have been celebrated on the tenth of Tishri (Ez. 40:1) and only later it would have been moved to the first day of the seventh month (Wellh., *Gesch.*, p. 111 ff [p. 108/9]).

- The following may be brought against this claim:

Reckoning the beginning of the year from the spring era was already customary in  
110) ancient times, which is shown by II Sam. 11:1; I Kgs. 20:22, 26; Joel 2:23. <sup>183</sup> - Ex. 23:16 does not intend to place the autumn festival before the close of the year, since the expression "end of the year," just as "the turn of the year" (Ex. 34:22) also implies the beginning of the new year, which borders on the closing of the old year (cf. II Chron. 24:23 with II Sam. 11:1). Reckoned according to the solar year, for that matter, the first of Ethanim was the

<sup>181</sup> The Talmudic tradition, however, includes Atzeret in the joy of Sukkoth (Pes. 71a), and this had caused the passage of II Chron. 7:9 ff. to be changed, which TB Mo'ed K. 9a tries to harmonize with I Kgs. 8:66. Meanwhile, the Peshitta in II Chron. 7:10 must be based on another text tradition: *u-ve-chamushah 'asar le yareach ha-'etanim*, etc., since the word *kasa'* in Syriac refers to the 15th of the month, just as the Peshitta to I Kgs. 12:32 proves. (Michaelis' remarks on the word ܟܫܐ in Castelli Lex. Syr. are absolutely wrong. According to the Peshitta it may have been that the feast of the dedication of the Temple started on the first of Ethanim; Sukkoth was on the eighth, which based on the above (p. 102) is easily explained. The task then remains of harmonizing the information in Chron. with that in Kings.

<sup>182</sup> See further my Commentary on Lev.: "Concerning the Age of the Day of Atonement". [Vol. II, pp. 254-276. This is one of the essays added to present Hoffmann's views on the critical opinions on the issues raised in the actual commentary. I add it as an appendix as a further illustration of Hoffmann's style and method.]

<sup>183</sup> More about the beginning of the year may be found in my Comm. on Lev. 23. - With good reason Dillmann notes (*Sitz-Ber. der Akad. von B.*, 1881, p. 924 f.): "The fact that all festival legislation starts with the Pesach and Matzoth festival and closes with the Feast of Booths, is in general being given too little consideration, this is clear...If it would have been so that the priests had known of only one yearly cycle beginning in the harvest month, the month in which the nights and days are of equal length, then they would have started their festival list with the Feast of Booths". - Josephus, whose festival list starts with the harvest festivals, can furnish proof for this, because in his day the first of Tishri was acknowledged as the actual *rosh hashanah*.

beginning of the harvest year.<sup>184</sup> It was possible, though, based on the discussion above (p. 103), that the first day of the harvest festival could fall within the following time period: five days before the first of Ethanim until the 25th day. The general indication, "at the turn of the year" is therefore justified. According to Wellhausen, on the other hand, the year must have started on the first of Bul. since Sukkot fell in Ethanim (1 Kgs. 8:2); Aviv would then be the sixth month after the beginning of the year. It is, however, certainly more appropriate to have the year begin with the equinox (1 Ethanim) and to place the Pesach festival in the seventh month of the year.<sup>185</sup>

Wellhausen's assumption that in ancient times the months were indicated with names and not with numbers is totally unfounded. The names are only found in the account of Solomon's construction of the Temple (1 Kgs. 6:1; 8:2). In the Pentateuch the name Aviv only occurs in relation to the Pesach sacrifice. The critics assign to the PC all other fixed dates of the Pentateuch. Yet, we never find an exact day with regard to these names of the months, from which it may be concluded that these names are only used when in general a season was to be indicated (above, p. 102). Joel (2:23), about whose time the opinions are widely divided, indicates for that matter, the first month by an ordinal number.

However, the assumption that the year would begin on the 10th of a month is not supported by anybody, despite Ez. 40:1. If, following the school of Hillel (Mishna Rosh Hashana 1:1) the 15th of Shevat is the "New Year of the Trees," then this date, which had been fixed for legislative purposes, has nothing to do with either the secular or the religious count of years. It is incomprehensible therefore how Wellhausen (*JfMh.* 1877, p. 437) could have based himself on this! The *rosh hashanah* mentioned in Ez. 40:1 is either to be explained based on the LXX as "the first month of the year," or based on the Talmud (Arachin 12a) it may be assumed that it concerned a *yovel*-year, which begins on 10 Tishri (according to Lev. 25:9). See my Commentary on Lev. 16.

- 111) c) Ex. 23:10 f. merely commands to forsake the crop every seventh year; the seventh year only implying a relative term. In Deut. 15:1 ff. there is mention indeed of an absolute term, but only in relation to the remission of debts. Only in the PC is a fixed sabbatical year commanded for the fields. The sabbatical year is similar to the Sabbath day<sup>186</sup> (Wellh., *Gesch.*

<sup>184</sup> This beginning of the year was in more than one way the *השנה הראשונה* και *εξοχη* (see my Comm. I.c). "For the farmer the year is of course regulated according to nature, it ends with the collection of the harvest from the fields and the festivals, and begins with the ploughing and sowing" (Dillmann in *Sitz-Ber. der Akad. von B.*, 1881, p. 715).

<sup>185</sup> This objection is even more hurtful to Nowack's hypothesis (*Arch.* II, p. 152), according to which the celebration of the autumn festival was not definitely fixed and in the Northern Kingdom with its coarser climate must have taken place at a later moment; Jeroboam (1 Kgs. 12:32), therefore, had not made any innovation at all!

<sup>186</sup> With regard to the Sabbath day, too, Wellhausen wants to find a difference between the PC and the laws in the other sources: according to the other sources the Sabbath is mainly a "rest for the servants and the cattle."

p. 119-121 [p. 116-119]). - However, any unbiased person must admit that Lev. 25:1<sup>7</sup> provides the only correct explanation of Ex. 23:10-11. That in v. 11 *we-ha-shevi it* means a fixed seventh year can be concluded unequivocally from the following v. 12 which mentions the "seventh day." Deut. 15:1, too, has admittedly explained our passage in this way. But Deuteronomy does not imply even remotely to repeal the sabbatical year and change it into a year of debt remission. On the contrary, the remission of debts is based exactly on the fields lying fallow. Since the poor do not sow in the seventh year and have no real crop, they are released from their debts at the end of that year (above, p. 46). The deuteronomic law of bringing forth tithes for the poor at the end of every three years (Deut. 14:28) likewise assumes the sabbatical year as a known fact. Because in every seven year cycle there are two years of tithes for the poor, the third and the sixth, and a sabbatical year in which no tithe is given at all. If, however, the seventh year would have been merely a year for debt remission, without the Sabbath for the fields, then, according to Deuteronomy, two time divisions would be required: one three-year cycle because of the tithes for the poor and one seven-year cycle because of the debt remission.

Further, in Ex. 23 work on the field is also prohibited in the seventh year; therefore v. 10 does not speak of sowing (*taʿrīa*) at all; because were it not so it could be said: "six years thou shalt sow your field;" but on the contrary, it calls for the prohibition to sow in the seventh year; since who, after all, would sow in the seventh year if the crop could not be reaped? Finally, the commandment concerning the Sabbath (v. 12), which is connected to it, demonstrates that also in the seventh year one should rest. Therefore Lev. 25:1-7 is the correct explanation of Ex. 23:10-11.

f) Wellhausen further thinks (Wellh., *Gesch.*, p. 121-123 [p. 118-120]) that the Jubilee year of the PC is an entirely new institution that was not formerly known. At first the Hebrew slave would be emancipated in the seventh year of service, after which perhaps the relative seventh year developed into a fixed seventh year. Jeremiah (34:14 ff.) uses the word *dʿror* for the seventh year, which in Lev. 25:10 is reserved for the Jubilee and this is decisive also for Ez. 46:17. - This is incorrect! It is impossible for Jeremiah to have had a fixed seventh year in mind, since he clearly says (34:14): when he "hath served thee six years, thou shalt let him go free from thee." Neither does Jeremiah speak of a *shʿnat hadʿror* (a liberation year), but merely a "proclaiming [of] liberty" [v. 15]. The seventh year cannot have been called a "liberation year" as it is not fixed. Thus Ez. 46:17 can only refer to the Jubilee year.<sup>187</sup>

---

while the PC prescribes the strict rest of the masters. - We do not need to go into this since it is not just Amos 8:5 which contradicts this emphatically, but also in the Decalogue in Ex. 20:8-10 the Sabbath is clearly declared to be, just like in the entire PC, a h o l y day (*le-qadsho*) on which "thou...thy son...thy daughter" will refrain from doing any kind of work (*kol mʿlakhah*).

<sup>187</sup> Cf. my Commentary on Lev. 16: "Concerning the Age of the Day of Atonement" [See also note 182].

With regard to the festival laws in the Pentateuch <sup>188</sup> it can in general be said that only in the PC have we a complete account of all festivals. At other places only some are mentioned prompted by the issue under discussion. Proof for this is that only the PC mentions the new moon. In the historical books it is pure coincidence when a festival is mentioned. Outside of II Chron. 8:13 the Feast of Weeks (*shav'ot*) is not mentioned anywhere at all. The harvest festival is mentioned, because it so happened that at that time the dedication of the Temple of Solomon took place. - It is, however, impossible to believe that either during or after the exile entirely new festivals would have been introduced and at the same time to claim that these were commanded by God to Moses in the wilderness. This is just as unthinkable as that someone would have gotten the idea to put the four fast days (Zech. 8:19) in the Torah.

### The Priests and the Levites

#### a) *Ezekiel and the Levites*

According to Wellhausen, the relation of the Levites (the ordinary priesthood) to the higher priests, as it appears in the PC and especially in Numbers, proves decisively, that this legal  
 113) codex was not available in the time of the prophet Ezekiel. According to Ez. 44:6-16 in the Temple of the new Jerusalem the Levites would no longer be priests like before, but only Temple servants. This demotion served as punishment for the fact that they had served at the high places. Only the priests, those Levites who were the sons of Zadok, could perform the priestly service in the new Sanctuary, as they had always remained faithful to God. In the PC, however, the Levites were originally designated to carry out the lesser tasks in the Temple, and it was of "a highly wicked pretension" of Korah and his company to attempt to usurp the priesthood. "The distinction between priest and Levite which Ezekiel introduces and justifies as an innovation, according to the PC has always existed; what in the former appears as a beginning in the latter has been in force ever since Moses. - an original datum, not a thing that has become or been made." (Wellh., *Prol.* p. 199 ff. [p. 123-124]).

Since we did demonstrate (p. 24), however, that the prophet had had the PC before him and that he quoted it verbatim on countless occasions, the argument from Ez. 44 is invalid <sup>189</sup> and from this follows the necessity to interpret the passage in such a way that no doubt arises as to the age of the Levitical legislation. Indeed, also the earlier researchers from Graf on, interpret it differently and draw totally different conclusions from it. Riehm (*Gesetzg.*

<sup>188</sup> [For an evaluation of the festivals in light of modern Israeli critical biblical scholarship, as well as the views of Kaufmann and Wellhausen on these issues, see Israel Knohl, "The Priestly Torah Versus the Holiness School: Sabbath and the Festivals" in: *HUCA* 58(1987): 65-117.]

<sup>189</sup> That the prophet in Is. 66:21 ("And of them also will I take for the priests and for the Levites"), which was certainly not influenced by Ezekiel, also recognizes the Levites as the lower clergy of the PC, has been shown by Bredekamp, *Gesch. u. Proph.*, p. 186.



*Mosis im Lande Moab*) thinks that this passage from Ezekiel indicates that the Levites performed priestly duties for a longer period as, in the course of time, originally priestly privileges passed to the Levites. Ewald (*Alterth.* 2, p. 329), too, remarks: "in the later period of the Kingdom of Judah an attempt seems to have been made to accord the Levites equal status even to the high priests; because otherwise Ezekiel would not so fervently insist upon the observance and preservation of the old division between the priests and the Levites." The interpretation of this passage from Ezekiel by Ewald and Riehm, however, has been rejected by the new critics, because, as it seems, Ezekiel did not want to reinstate the old division between the priests and the Levites. It rather appears from this passage that Ezekiel wanted to revoke the priestly privileges from the priests of the *hamot* [high places] and to leave for them merely secondary functions to perform.<sup>190</sup> These are the very same priests of the high places, however, who were stripped of their priestly privileges already forty eight years earlier, in the 114) year 620 BCE during the reign of Josiah (II Kgs. 23:9). Therefore Ezekiel no longer calls them priests but merely Levites (44:40), while in an earlier passage, before going into listing their transgressions (40:45), he refers to them as "the priests, the keepers of the charge of the house." This demotion of the *hamot* priests had already taken place before Ezekiel's time. Ezekiel then, already presupposes the distinction between these priests and the sons of Zadok who had remained loyal, before actually mentioning the demotion of the former (cf. 40:45 f.; 42:13; 43:19, 24, 27). It is true that Ezekiel also mentions that the stranger and the uncircumcised had been admitted to the Temple service, but he describes this, however, as a *to'evah* [abomination], which would not be tolerated in the new Sanctuary.<sup>191</sup>

Kuenen turns against the above interpretation of the passage in Ezekiel, as it is expressed by several opponents of the Graf-Wellhausen hypothesis, according to which Ezekiel did not initiate the Levitical class. He says (*Einl.*, § 15, note 15, p. 282): "If one wants to assert that the prophet had excluded part of the descendants of Aaron because he only admitted the Zadokites as priests in the new Temple, I want to point out, that he does not mention Aaron at all. He places the sons of Zadok in opposition to the rest of the Levites in general. He does not say that those who had been demoted would from then on be on an equal footing with the Levites who did not descend from Aaron, what he should have said had he known of such Levites." The answer to this objection is easily found when the Book of Ezekiel is read attentively and the conclusion is reached that in no way does Ezekiel assign to the demoted priests the functions that in the PC belong to the Levites.

<sup>190</sup> Ezekiel, therefore, has not created a Levitical class, but merely removed the priestly privileges from part of the earlier Aaronide priesthood; just as later, this was done to the priests of the Onias temple (Menachot 109a).

<sup>191</sup> See also Bredenkamp, *Gesch. u. Proph.*, p. 188 ff.

Above (p. 74) we have already set forth that the PC knows nothing of the duties that, according to Ezekiel, belong to the Levites. The PC is especially unaware of the precept in Ez. 44:11, that the Levites "slay the burnt-offering and the sacrifice for the people," and that they "shall boil the sacrifices of the people" (46:24), to which belonged also the baking of that which is "on the griddle," according to I Chronicles (9:31 ff; 23:29).<sup>192</sup> The only duty  
 115) that Ezekiel's Levites have in common with those of the PC, is perhaps that which Ezekiel indicates with the words: "they shall be ministers in My sanctuary, having charge at the gates of the house." [44:11] In Ez. 40:45, however, these Levites are called, "the priests, the keepers of the charge of the house," and their chambers were near to those of the actual priests. It is therefore doubtful whether the guardianship, which Ezekiel assigns to the demoted priests, implies the duty of the later *sho'arim*, the Levitical gatekeepers, or whether it would rather mean the watch which was later provided by the priests in the Temple, according to Mishna Tamid (beginning) and Mishna Middot (beginning). Perhaps Ezekiel means that the duty of *shomrei ha-saf* (doorkeepers), who already in II Kgs. 12:10 are called *kohanim* (priests), was transferred to them. In II Chron. 34:9, however, they are called Levites, probably because Chron. simply calls all priests who were not involved with the sacrificial cult, Levites. If, however, the "having charge at the gates of the house" of Ez. 44:11 is to be understood in the same manner as "shall keep the charge of the tabernacle of testimony" of Num. 1:53, the emphasis of the activities of the *hamot*-priests/Levites in Ezekiel should nevertheless be looked for in a different place than that which the PC assigns to its Levites, because, according to the Pentateuch, they are exempt from the slaying of the sacrifice, as well as from its boiling or baking. This is the halakhic theory; in practice, however, it was different. As not everyone was informed of and observed the regulations regarding sacrifice and purity, special people had to be appointed to carry out the slaughter and skinning of the animal sacrifices, just as was the case with regard to the baking of the meal offering. According to the Books of Chronicles and Ezra, these were the priests and the Levites (see Ezra 6:20; II Chron. 29:34; 30:7; 35:6). In later times only the priests  
 116) were trusted with the strict performance of the laws of purity and therefore with the slaughter of the sacrifices. Daily, at the time of the *tamid* offering, the priests would cast lots among themselves concerning who would do the slaughter (M. Tamid 3:1); and the training of the

<sup>192</sup> According to Ez. 46:29 the baking of the *minchah* [the meal offering] was the duty of the priests responsible for the sacrifices. In the first period of the Second Temple, and also later in Chronicles, the Levites are found to be divided into three groups: 1) the Levites occupied with the sacrificial service, who in Ezra and Neh. are simply called Levites (cf. e.g. Ezra 7:25). In Josephus 20, 9, 6 they are called *leitourgountes*, assistants. 2) The *meshorerim*, singers. 3) The *sho'arim*, gatekeepers (see Graetz, *Gesch.* II, 2, p. 108 f., and note 11). In *Magazin* 1890, p. 86 f., an explanation is given for the fact that these three groups kept the collective name of 'Levites' (see e.g. Neh. 12:1-26 and in Chron.), as well as that they were distinguished as three separate groups: *sho'arim*, *meshorerim*, *levi'im*. The *hamot* priests that were demoted in Ezekiel seem to have belonged to the most privileged class, taking into account the duties assigned to them.

priests in the regulations for sacrifice was financed by the sages from the Temple treasury (Ketubot 106a; Jer. Shekalim 4:2).<sup>193</sup>

From the above it is clear that Ezekiel could not have said that the *hamot* priests whom he had demoted would, from then on, be on the same level as the Levites who were not Aaron's descendants. He had to assign to them tasks that were much more specific and to which pentateuchal law had not appointed specific individuals.

But also when assuming that Ezekiel was dealing with genuine Levites who had served as priests at the *hamot*, it is absolutely not surprising that Ezekiel would not strip them of their priestly privileges simply based on the regulations in the Pentateuch, but condemn them on the basis of their participation in idolatry. We have already stated (p. 79 ff.) that the PC decreed the centralization of the Sanctuary, with which the exclusivity of the Aaronide priesthood was indissolubly linked, only for the wilderness. On the other hand it was permitted in the holy land, according to the PC, to have a large number of sanctuaries at which non-Aaronides could also function. Indeed source H (Lev. 26:31), too, speaks of many sanctuaries. Surely, Ezekiel could not have based himself on Deut., as it deals only with Levitical priests. Since the Levites were actually in possession of the priesthood, however, the prophet could only impose exclusion on them as punishment for their idolatry.

In addition to this Ezekiel had yet another reason. The necessity to reprimand his contemporaries for their transgressions caused him at another occasion too, so it seems, to disregard the pentateuchal instructions. In ch. 20 Ezekiel recites to the elders the abominations of their forefathers, and he says there (vv. 10-17) that God had brought the Israelites from Egypt into the wilderness, had given them statutes and judgements whereby they would live, and also the Sabbath as a sign that God would sanctify them. But they rejected all the divine commandments and also the Sabbath they defiled, while their heart adhered to idols.

- 117) Therefore they would have been collectively consumed in the desert, but for the sake of the divine Name they were once more spared and their only punishment was that they themselves would not enter the holy land. Thus Ezekiel. - This account is not only not in agreement with the PC, but it also contradicts JE and D, since according to all sources, the punishment that this generation would die out in the wilderness and would not enter the land is inflicted upon them because of their unbelief and their recalcitrance which they had demonstrated when the spies were sent out. Was Ezekiel then, also oblivious of JE and D?! This clearly demonstrates how unfounded it is to conclude from a disagreement between the Pentateuch and Ezekiel the latter's unfamiliarity with the former.

---

<sup>193</sup> Mishna Yoma 6:3 mentions another case in which priests would not give allow non-priests to participate in a service which was legally open to anyone.

Perhaps Ezekiel took his statements in 20:10-17 from different pentateuchal narratives. That Israel indulged in idolatry, we learn from the event of the construction of the golden calf (Ex. 32). The desecration of the Sabbath is mentioned in Ex. 16:27 ff. and Num. 15:32 ff. If, however, the Pentateuch does not effectuate the condemnation of the first generation to die out in the wilderness as a result of these sins, then Ezekiel could have assumed that in any case the rebelliousness against God, mentioned in Num. 13, would have filled the cup of sins to the brim, and would have brought about God's sentence. The contempt for the law and the worship of the golden calf - transgressions, which Ezekiel considered to be much more serious than any recalcitrance - demonstrated earlier, however, contributed equally if not more so to the condemnation of the people. Since Ezekiel found that his contemporaries were still guilty of these same transgressions and wanted to admonish them regarding this, he stressed how the degeneracy of their forefathers had already resulted in their damnation. The same process can be seen with regard to the Levites in ch. 44. He does not reprimand them for illegally appropriating the priesthood; which, from the course of the narrative, seems to be easily excusable. He rather rebukes them concerning their support of idolatry and sentences them to be removed from their earlier high position to a humble state. However, when language, idiom, and complete phrases of Ezekiel indicate this prophet's familiarity with the PC, clear for anyone who is not discouraged by having to take the required trouble of comparing, then the counter proof which appears from Ez. 44, when compared to ch. 20, seems so weak, that our explanation of this passage is totally satisfactory in its refutation.<sup>194</sup>

- 118) The fact that at the moment of return from the Exile there was already a priesthood in working order complete with its division into priests and Levites (a division which cannot have been established during the Exile), proves that the Levitical class was not first created by Ezekiel. But on the contrary, also before the Babylonian Exile there were already assistants to the priests, called 'Levites'. Kuenen (*Eint.*, p. 282) says this about it: "In the lists of returnees from Babylon priests are mentioned as well as Levites (Ezra 2:36-39, 40; Neh. 7:39-42, 43; see Ezra 8:15 ff.). Does it not follow from this that both categories had been in existence already before the captivity? Indeed, according to II Kgs. 23:8 ff., from 620 BC on there had been Levites in the Temple who would not go up to the altar of God, i.e. they were not priests. There is nothing against the assumption that Ezra and Nehemiah referred to these 'Levites'. And those who have difficulty with the word 'Levites,' should remember that the list of the returnees from exile did not come to us in its original form (*Godsdienst van Israel*, II, p. 84-89) and assume that its vocabulary has been harmonized with P<sup>2</sup>. But this hypothesis is not even necessary; the term 'the Levites' is, moreover, clear enough, while their small number in

---

<sup>194</sup> See also Baudissin, *Gesch. des altisr. Priesterthum*, regarding this passage.

comparison with that of the priests (74 against 4289) does not agree with P<sup>2</sup>." <sup>195</sup> Thus Kuenen. The assumption that the list has been altered can be dismissed without further ado. This list proves rather that the division of the priesthood into 'priests' and 'Levites' had already existed a long time. - This is also demonstrated by Jer. 33. In v. 18 first the Levitical priests are presented as sacrificial priests. After that mention is made only of "the Levites, the priests" or simply "Levites" (vv. 21-22), and these are merely called *meshartim* (attendants). Is. 66:21, too, differentiates between priests and Levites, when he says: "And of them (the common Israelites) also will I take for priests and for the Levites." Here we want to empha-

1190 size a further issue, however, which has not yet been discussed. According to Wellhausen and his school, the duties that Ezekiel assigned to the *hamot* priests he had demoted to the rank of Levites, had been carried out previously in the Jerusalem Temple by heathen attendants. They included in any case also the Nethinim. But now we find in the Book of Records, composed by Ezra (Ezra 8:17-20), that during the Exile the Levites lived together with the Nethinim. I do not want to attach too much value to the fact that Ezra says there: "the Nethinim, whom David and the princes had appointed for the service of the Levites;" he could have written this after viewing the PC. Only the fact that the post-exilic Levites had lived together with the Nethinim during the Exile appears as incontrovertible from Ezra's account, and as emerges from the account, the Nethinim were subordinate to the Levites. Now we wonder how the erstwhile rural priests did end up in exile together with the Jerusalem Temple attendants. Does the fact that Levites and Nethinim lived together in Kasiphia not prove, however, that the fathers of both Levites and Nethinim had gone into exile together, and that the Levites as well as the ordinary priests from the capital had been Temple slaves there, just as the Nethinim? But if the demotion intended by Ezekiel, had been put into effect in Jerusalem already since 620, then Ezekiel in fact knocks on an open door. It had especially been unnecessary for him to agitate against the employment of the heathen attendants as assistants in the sacrificial service, as by his time they already performed the humblest tasks as underlings to the Levites, and the *hamot* priests had become the assistants in the sacrificial service in their stead. When Ezekiel looks back at a more ancient time, however, it is completely impossible to conclude from his words anything at all concerning the time of the origin of the Levitical class. The entire question concerning the Levites must therefore be determined by the accounts in Deuteronomy and Kings. According to these books it is also impossible to reject the assumptions of Riehm and Ewald, to the effect that in the cause of time the Levites had appropriated priestly privileges.

<sup>195</sup> This should be clear proof, now, that the PC cannot have come into existence at this time (see above p. 75 f.). The fact that so few Levites and comparatively many priests returned, can be explained by the affluence of the latter and poverty of the latter (see *MWJ* 1890, p. 79 and 240, note).

120) b) *The Aaronide priesthood in the PC, Deuteronomy, and other sources*

We will now turn to the inspection of the history of the Israelite priesthood as interpreted by Wellhausen. But first a few remarks are in place. Wellhausen states that in the PC Aaron was been chosen as priest because he belongs to the tribe of Levi. Rather, he was already a priest long before the Levites were sanctified. Strictly speaking, the Levites do not even belong to the clergy at all, they were not called upon by God, but they are consecrated to the Sanctuary by the Israelites in the place of their male firstborn. The relationship between Aaron and Levi, and the fact that it was precisely this tribe who was given over to the sanctuary in compensation for the firstborn, seems almost accidental and can only be explained in that Levi relies on Aaron, as the priesthood obviously was considered as having the priority. (Wellh., *Gesch.*, p. 124 [p. 114]) - This assertion is just as wrong as its derivative view concerning the position and tendency of the PC. - Just reading the passage of Num. 17:16 ff., which belongs undeniably to the PC, it seems to have been written for the purpose of lodging a protest against Wellhausen's claim. When strife had erupted because of the priesthood, God said to Moses: Take of the Israelites rods, one for each tribe, of all the princes of each tribe, twelve rods. You shall write every man's name on his rod, and the name of Aaron you shall write on the rod of Levi, for the rod belongs to the head of each tribe. And you shall place them in the Tent of Meeting. And it shall come to pass that the man whom I shall choose, his rod shall bud; and I will make to cease from Me the murmurings of the Israelites, which they murmur against you. And Moses laid up the rods before the Lord in the tent of the testimony. And the next morning behold, the rod of Aaron for the house of Levi was budded, and put forth buds, and bloomed blossoms, and bore ripe almonds. Each one then took his rod, and Aaron's rod was kept as a token in the Tent of Meeting before the testimony. - This account is found in the PC, not isolated so that it could be explained as a later addition, deviating from the core of the PC, but fortunately it is related to the fundamental components of the Pg (Q). Next, in 20:9, the words: "And Moses took the rod from before the Lord," refer directly to our passage above, in which the rod was placed before the Lord.<sup>196</sup> However, the account

121) in ch. 20 is closely related to yet other passages of the Pg (Num. 20:22 ff.; 27:12 ff.; Deut. 32:48 ff.). Moreover, the story of the preservation of Aaron's rod completely conforms to that of the preservation of the flask of manna (Ex. 16:32 ff.). Both relics were put "before the testimony, to be kept there" (Num. 20:25; Ex. 16:34). It is also beyond any doubt that the account about "Aaron from the House of Levi" belongs to the core of the PC. - Here we

<sup>196</sup> When Wellhausen (*JfdTh.*, 1876, p. 576) seeks to deny this and tries to explain the 'from before the Lord' (Num. 20:9) that in later times the sanctuaries at Shiloh or Jerusalem had the function as storage for the relics, this arbitrariness hardly needs any refutation. How could it occur to a narrator to consider the fact that even during the lifetime of the owner the rod had been preserved as a relic in the Sanctuary as known if it had not been told before? - Dillmann, too, considers the 'from before the Lord' as a reference to 17:25.

have clearly formulated that Aaron, as prince of the tribe of Levi, was chosen for the priesthood so that by his election his entire tribe was elected at the same time.

When, however, the PC (Ex. 28:1 ff.) tells of Aaron's appointment to the priesthood without mentioning his membership to the tribe of Levi, this can be explained simply by the fact that the PC (Ex. 6:14 ff.) had given the genealogy of Moses and Aaron already before with the intent to clearly emphasize their descent from Levi.<sup>197</sup> In Egypt already the tribe of Levi must have occupied an important position among the Israelites, so that by the presentation of the descent from Levi, the mission of Moses and Aaron seemed to have had a sufficiently strong foundation. It is therefore clear that the appointment of Aaron to the priesthood needed no further substantiation and that, just like the other sources, the PC considered Levi as the priestly tribe.<sup>198</sup>

More important for the question concerning the relationship between priests and Levites is the fact that (against Wellhausen and his school) it can easily be proved that Deuteronomy, too, knew of the election of Aaron. Deut. 18:4f. says, "The first fruits of thy corn, of thy wine, and of thine oil, and the first of the fleece of thy sheep, shalt thou give him (the priest). For the Lord your God has chosen him out of all your tribes, to stand and to minister in the name of the Lord, him and his sons forever." For the most part the critics are conspicu-  
122) ously silent on this issue.<sup>199</sup> Knobel explains 'he and his sons' as referring to: "the tribe of Levi in the Mosaic and in all following periods." - What a forced explanation! About one tribe it would be said, 'he and his sons,' and 'sons' should be understood as being the same tribe in a later period! Besides, the verse does not speak of the tribe of Levi at all, as grammatically the suffix can only relate to the *kohen* mentioned before in v. 3. 'He and his sons' is therefore nothing other than a priest and his descendants who are presumed to be known (cf. the 'he and his sons' with regard to the kings, Deut. 17:20). However, this priest can only be Aaron, as Deuteronomy had already mentioned only these in 10:6 ("there Aaron died, and there he was buried; and Eleazar his son ministered in the priest's office in his stead.")<sup>200</sup>

Only the phrase "For the Lord your God has chosen him out of all your tribes," could seem difficult, as it could be possible to consider *ho* (him) as referring to the tribe of Levi, which God chose from among the other tribes. Only, the phrase "out of all your tribes"

---

<sup>197</sup> In his commentary on this passage Dillmann has adequately explained that this genealogical list belongs to P and is not, as some have it, a later interpolation.

<sup>198</sup> That Levi is not mentioned at the election of Aaron is not at all surprising, since at that time the Levites had not yet been called to function at the sanctuary instead of the firstborn. This would only happen as a result of their zeal during the event of the golden calf.

<sup>199</sup> Steuernagel's latest Commentary (1898) declares all of v. 5 to be a later interpolation and passes over 'he and his sons' in silence.

<sup>200</sup> Dillmann, too, interprets the passage in this way (*Pent.* III, p. 326) as well as Riehm and Kittel, whom he quotes there.

means exactly the same as "from among all of Israel." Many passages testify to this. E.g. Deut. 29:20: "and the Lord shall separate him unto evil out of all the tribes of Israel;" I Sam. 15:17: "art thou not head of the tribes of Israel?;" Deut. 12:5: "unto the place which the Lord your God shall choose out of all your tribes," etc. The choice "out of all your tribes" therefore, does not mean the election of a tribe from among the other tribes, but of a man or a city from among all of Israel.<sup>201</sup> We see then, that Deuteronomy, although it emphasizes especially the selection of the entire tribe of Levi, does yet not ignore the special election of Aaron and his descendants.

Aaron's election can be found in yet another pre-exilic passage outside of the PC, which Wellhausen has indeed misunderstood, but after explaining the above passage from Deuteronomy will no longer be ambiguous. In I Sam. 2:27 ff. God has the high priest Eli told: "Did I reveal Myself unto the house of thy father, when they were in Egypt in bondage to Pharaoh's house? And did I choose him out of all the tribes of Israel to be My priest, to go up unto Mine altar, to burn incense, to wear an ephod before Me? and did I give unto the house of thy father all the offerings of the children of Israel made by fire? (Wherefore kick ye at My sacrifice and at Mine offering, which I have commanded in My habitation; and honourest thy sons above me),<sup>202</sup> to make yourselves fat with the chiefest of all the offerings of Israel my people?" Wellhausen asserts (*Gesch.*, p. 146 [126]) that here - in the place where we find that a distinction is being made between between the House of Eli and the House of his father that the latter refers to the tribe of Levi, which God had chosen from among all the tribes of Israel to be priests and whom He had given all the offerings of the Israelites. The former, however, refers to the specific family of Levitical descent, which had functioned at the sanctuary in Shiloh. But how, besides everything else, could the prophet say, that God had revealed Himself to the tribe of Levi in Egypt? The words, "And did I choose him out of all the tribes of Israel," which obviously refer to Deut. 18:5, can only be understood from the election of Aaron and his House which is explicitly mentioned in Deut. 10:6.

Moreover, the new critics make another assertion which contradicts this interpretation of the passage in Samuel. In a thought in which Vatke and Kuenen had already preceded him, Wellhausen asserts (*Gesch.*, p. 129/126, [note 1]) that the Jerusalem priesthood's descent from Aaron and Eleazar was fixed by means of an artificial genealogy in Chronicles. Before the Exile it was generally known that this priesthood originated with Zadok, who, during the reign of Solomon, had ousted the family of Eli from its priestly position. Proof

<sup>201</sup> For that matter, in the account in Num. 17 (see above), Aaron is literally elected from among the tribes of Israel. See also Kittel, *Theol. Stud. aus Württemberg* III, p. 287.

<sup>202</sup> *lehavri'y'ekhem* [to fatten yourselves] belongs to the first question. God asks: Have I therefore chosen priests to fatten them with the offerings? The bracketed words are a parenthesis.



for this is found in I Sam. 2:27 ff. (which Wellhausen considers to be post-deuteronomic), because there God speaks to Eli: "I said indeed that thy house, and the house of thy father, should walk before Me for ever; but now the Lord saith: Be it far from Me And I will raise Me up a faithful priest, that shall do according to what is in My heart and in My mind, and I will build him a sure house " [vv. 30-36]. This new priest was Zadok. "This Zadok, accordingly, belongs neither to Eli's house nor to that of Eli's father; his priesthood does not go  
 124) back as far as to the time of the founding of the theocracy, and is not in a proper sense 'legitimate': he obtained it rather by the infringement of what to a certain degree might be called a constitutional privilege, to which there were no other heirs besides Eli and his family." Thus Wellhausen. As according to Wellhausen's previously cited assertion, however, the House of Eli's father was to be understood as the tribe of Levi, thus, according to the biblical passage cited above (as interpreted by Wellhausen) Zadok would not have belonged to the tribe of Levi. And that the Jerusalem priesthood only dated back to Zadok was not just the opinion of a single individual, but (according to Wellhausen and his school) such common knowledge, that no one could even attempt to project its origin to the establishment of the theocracy. Therefore, the Jerusalem priests were not thought of as sons of Levi (neither by the post-deuteronomic authors, as the passage of I Sam. 2:27 would be post-deuteronomic), but merely as sons of Zadok. How this relates then to the fact that in Deuteronomy and in later texts, the priests altogether and the Jerusalem priesthood in particular were called "the priests, the Levites," or "the priests, the sons of Levi," and Wellhausen himself (*Gesch.*, p. 147/143) must admit: "...in Judah...the clerical guild ultimately acquired a hereditary character...This hereditary clergy was alleged to have existed from the very beginning of the history of Israel, and even then as a numerous body, consisting of many others besides Moses and Aaron. Such is the representation made by the Deuteronomist and subsequent writers. " - Consequently, the Jerusalem priests and therefore also their ancestor Zadok were considered as sons of Levi. Yet, Zadok did not descend from the house of Eli's father. Thus, 'the house of Eli's father' cannot be understood as the tribe of Levi; the above discussion should make that clear. Thus the house of Eli's father in I Sam. 2:27 can only refer to the house of Aaron, as no mention is made at all concerning another priestly family in ancient times and the tribe of Levi was also generally acknowledged as the house of Zadok's father.<sup>203</sup>

Hence both I Sam. 2:27 and Deut. 18:5 clearly state that at the beginning of Israel's

<sup>203</sup> [On the possible background of the priest Zadok, see Roy Rosenberg, "The God Sedeq" in: *HUCA* 36(1965): 161-171 (Esp. pp. 167-170), who suggests that Zadok was a priest of the Jerusalemite/Jebusite god Sedeq before he became a priest of the God of Israel in the service of David and was supplied with a genealogy making him a descendant of Aaron. Also Martin A. Cohen, "The Role of the Shilonite Priesthood in the United Monarchy of Ancient Israel," *ibid.*, 59-98; and Rowley, "Zadok and Nechushtan," *JBL* 58(1939); Hauer, "Who was Zadok?", *JBL* 82(1963): 89-94.]

history a family, one that was not identical to the tribe of Levi, had been elected to the priesthood. As, however, also the election of the tribe of Levi cannot be doubted - according to Deuteronomy - these passages tell clearly and unambiguously that at the time of the establishment of the theocracy a distinction was made between the Levites and the elected priestly family of Aaron. Only the latter were authorized to approach the altar in the main Sanctuary, 125) to bring the incense offering and to wear the ephod before God (I Sam. 2:27); this was not permitted to the other sons of Levi. Here we see the distinction between priests and Levites, as it is written in the PC, in any case as an established fact for the deuteronomic author.

Those who would concur with Vatke, Kuenen and Wellhausen that "thy father's house" in I Sam. 2:30 is identical with the same expression in v. 27, according to which Zadok did not descend from the house of Eli's father, to whom God had revealed Himself in Egypt, would then have to accept that the house of Eli's father is the house of Aaron, so that Zadok still descended from Levi, even though not from Aaron. After the fall of the house of Eli the privilege had been taken from the house of Aaron and another Levitical family had been called to the rank of priests. This was the position of Ewald and Riehm, according to which during the course of the later history the distinction between priests and Levites had ceased (above, p. 113). And according to this the PC would belong to the most ancient period of Israelite history, while Deut. would reflect the later period.

Because, however, in Deut. 18:5 Aaron and his children were elected for all times, it would have been unthinkable that the Jerusalem priests together with the high priest would be neophytes and not descending from Aaron. Hence, the "house of thy father" in I Sam. 2:30 must be understood in a narrower sense, like the same phrase before in v. 27. 204 "House of thy father" in v. 30 should be understood as referring only to the relatives of Eli or the priesthood at Shiloh, just as in I Sam. 22:11, 15, 16, 22 where it is satisfactorily explained by (v. 11), "the priests that were in Nob." That I Sam. 2:30 says, "thy house and the house of thy father," does not contradict this interpretation. It refers to the family in a specific and general sense, as e.g. "all the house of Joseph and the house of his father" (Gen. 50:8). - Yet, I still consider it inadmissible to interpret "your father's house" in I Sam. 2:27 as referring to the tribe of Levi. Firstly, because, as had already been observed, nowhere mention is made of a 126) divine revelation to the tribe of Levi in Egypt, and secondly, the words "and did I chose him from among all the tribes of Israel to be My priest" (v. 28) absolutely speak of a man and not of an entire tribe. 205

204 Thus it is understood by Bredenkamp, *Gesch. u. Propheten*, p. 181 ff.

205 The "the house of thy father" in v. 30 is more conform to the "the house of thy father" in v. 27, when the latter is understood as the house of Aaron; as 'the house of Aaron' is a broader concept than the 'house of Eli's father' but is yet, likewise, the house of a single priestly family. If, however, "the house of thy father" in v. 27 would be interpreted as the tribe of Levi, which right at the beginning of Israel's history consisted of many

However, in order to explain the divergence between the laws in the PC and the dates of the attested history, we must repeat the observation we made above (p. 87), that the PC only issues regulations with regard to the main Sanctuary, and not for the private altars, which, according to the PC are also authorized at certain times. This also applies to the persons who perform the sacrifices. At the private altars (*hamot*) anyone, also non-priests, could sacrifice. Only with regard to the central Sanctuary priests were selected, assisted by Levites (cf. Mishna Zevachim 14:10). As already discussed above (p. 73 ff.), in the PC only the tasks of the Levites at the Tent of Meeting in the wilderness are prescribed. When Israel entered the Holy Land and in many locations private altars would spring up, it would have been unthinkable to appoint at each one of them an Aaronide priest, as at first there were only a few of them. Yet, priestly duties were not seldom entrusted to a Levite. Despite the fact that anyone was entitled to sacrifice at such a sanctuary, Levites were still considered to be worthier in that respect, as is shown by the example in Ju. 17. Thus later, e.g., even though anyone was allowed to slaughter the sacrifice, this responsibility was transferred to the Levites. At the main sanctuary in Shiloh, on the other hand, only Aaronide priests officiated. Samuel performed the Levitical duties there;<sup>206</sup> he guarded the sanctuary and in the morning  
 127) he would open the gates of the temple (I Sam. 3:15). But we never see him sacrifice at Shiloh, but only later after the overthrow of the temple at Shiloh at the *hamah*, at a time that there actually was no central sanctuary. At the *hamot* anyone could be a priest and thus also the sons of David could be priests (II Sam.8:18). Only the great *hamah* in Nob and the one in Gibeon had Aaronide priests (above, p. 88). In Solomon's Temple only Aaronides were priests. Because after the division of the kingdom the *hamot* did not cease to exist anywhere in the country, despite the presence of this Temple, the Levites were everywhere sought after as priests, and other Israelites were also installed as high priests, especially in the northern kingdom, where there was no central sanctuary. There is, however, no indication that in the main Sanctuary in Jerusalem<sup>207</sup> a non-Aaronide priest could legally be admitted.

When later, under Josiah, the high places were abolished, the high priests of these *hamot*, even if they were Aaronides, could not function in the Jerusalem Temple. This prohibition was their punishment. They probably performed certain Levitical tasks, a practice which Ezekiel seems to have sanctioned (above, p. 114 ff.) - Indeed, the Books of Kings do

---

people, than this "the house of thy father" would be so different in meaning from the next one in v. 30, that the use of identical expressions would seem incomprehensible.

<sup>206</sup> That other Levites, too, would go to officiate at the temple in Shiloh, is shown by the example in Ju. 19:18. Only very tendentious criticism can declare this narrative as being late, as it shows traces of the utmost antiquity, and Hosea 9:9 and 10:9 refers unmistakably to it. Indeed, also the words "Phinehas the son of Eleazar the son of Aaron" (20:28) must be irksome to the newest critics. But this is only further proof that the Aaronide ancestry of the priests should not be doubted.

<sup>207</sup> This can, however, be stated with regard to the great *hamot* in Nob and Gibeon.

not mention the actual Levites, the common priests in the Temple (except for I Kgs. 8:4, which passage is questioned by the modern critics). If, however, one would want to conclude from this that there had not been such Levites at all, then too much importance is attached to an *argumentum ex silentio*. On the same grounds doubt could be cast upon the existence of the Temple singers, despite the fact that Ps. 137 rules this out categorically, and both Asaph and the Korahides have most certainly sung Psalms in the Temple also before the Exile. The ancient historical sources that have come down to us do not relate anything at all directly concerning the regular cult. Only something exceptional or unlawful would have been registered.

128) c) *Other differences between the PC and the remaining sources*

Now we should discuss the other essential arguments of Wellhausen and his school against the description of the relationship between the priests and the Levites in the PC. Wellhausen denies the separation of an entire clerical tribe at the beginning of Israel's history. Only at the time of the two kingdoms a separate and independent priestly class was consolidated, which was in a position comparable to the guilds of the sons of the prophets, the Rehabites and the Nazirites. It was at a later time, only, that the priesthood became hereditary, at first in Jerusalem in the family of Zadok, and subsequently everywhere in the country. The class was turned into a family, a tribe. This situation became dominant at the time of Deut. [Wellh., pp. 134-140 (Engl.tr.)] - Fortunately, JE too, demonstrates the existence of a priestly tribe at the time of the establishment of the theocracy. According to Ex. 2:1, the father of Moses was "a man of the house of Levi;" and without any doubt it is this House of Levi which would later be called to the priesthood. As, however, 4:14 refers to Aaron as Levite, either the tribe of Levi, as taught by the midrashim, must have had a prominent position among the other tribes already in Egypt, or it refers to the election of Aaron as assistant to Moses due to the fact that as a Levite he belonged to the tribe destined for the priesthood. After the construction of the golden calf, the sons of Levi assemble around Moses and punish the guilty. Moses then tells them, that from that moment on they are consecrated as priests to God (Ex. 32:26-29). The 'sons of Levi' can only refer to the Moses' fellow tribesmen, which means, therefore, that a tribe was called to the priesthood.<sup>208</sup>

129) Moreover, in Egypt, too, the priesthood was hereditary. Gen. 47:22 relates, certainly not unintentionally, that the Egyptian priests received a fixed portion (*choq*) from Pharaoh.

<sup>208</sup> Wellhausen (*JfdTh*, 1876, p. 561), together with Nöldeke, labels this passage as a later addition; but Deut. 10:8 refers to it. It must, therefore, in any case be pre-deuteronomistic (cf. Dillmann on this passage). The 'ish bi-veno u-ve-'achiw ["every man hath been against his son and against his brother" - Ex. 32:29] has so much in common with Deut. 33:9, that, against Wellhausen, it must be stated that the object of Moses' blessing did not concern a class but a priestly tribe. The idea that this blessing would be speaking of a class, lacks any foundation. The interpretation of this passage by Graf and Wellhausen is refuted in great detail by Bredenkamp (*Gesch. u. Propheten*, p. 173 ff.). See also Dillmann on this passage.

from which they lived. For the Israelite priests, likewise, a fixed income (*choq*) from their king (God) would be reserved (Lev. 6:11; 7:34, cf. my Comm. on Lev., p. 39) - Furthermore, how can it be explained that only the priestly class changed into a hereditary clergy, while the status of the guilds of the prophets and nazirites remained unchanged? Besides, when Deuteronomy specifically presupposes the hereditary character of the priesthood since Moses, then this assumption cannot in any degree be shaken by an unfounded idea. Concerning the northern kingdom it is explicitly reported that the kings would choose the priests as it suited them. In Judea, at the Temple cult, on the other hand, we find a single example of a priest (Ebiathar) being expelled, because he had rebelled against Solomon. In his stead not a stranger was appointed, however, but Zadok, who had already been a priest before, under David. And it is just this exception which assumes the rule of heredity of the priesthood.

There can absolutely be no doubt that at the central Sanctuary, in Shiloh as well as in Jerusalem, the priesthood had always been hereditary. The entire priesthood at Shiloh belonged to the house of Eli's father (I Sam. 22). With regard to Jerusalem it is known that the rank of high priest was hereditary in the family of Zadok and there is not the slightest basis to doubt the assumption in Deuteronomy that all priests at the chosen places should belong to the tribe of Levi. However, if one would ask if the house of Zadok and the house of Eli belonged to one and the same tribe, Deuteronomy as well as all its dependant documents, speak in favor of this. Only I Sam. 2:27 ff. (as interpreted by Wellhausen and Kuenen, above, p. 123), which is in any case a post-deuteronomic passage, can be cited against it. In this case, too, the impartial historian must rule in favor of Deuteronomy and Chronicles. Hence, since the time of Moses, the rank of priests was hereditary in one and the same tribe. It is furthermore also certain that in all times the priests at the central Sanctuary were considered as being the priesthood truly chosen by God. As a rule the central Sanctuary was the seat of the Ark of the Covenant, and the priests were the bearers and guardians of this holy ark. Hence they are called *nos'ei ha-'aron* [bearers of the ark], not just in Deuteronomy, but also in JE (Josh. 3:15).

The question, now, is only whether the entire tribe of Levi was eligible for the priesthood or just the house of Aaron. It cannot be denied that in Deut. the priests are called Levites and that in the same book the expressions "the priests, the Levites," "the Levites," and 130) "the priests, the sons of Levi" connote the same (cf. Deut. 17:18; 31:9, 25). On the other hand, from Deut. 10:6; 18:5; II Sam. 2:27, it is clearly evident that God had not elected an entire tribe,<sup>209</sup> but only one man and his sons or his house, to be high priest (above, p. 121 ff.), and

<sup>209</sup> Kuenen, too, admits that it was not the entire tribe of Levi which would function as priests at the Sanctuary. In his *Eint.* (§ 3, note 16; see also § 15, note 15) he writes: Is it the opinion of the author (D), that all Levites, without exception, would perform the priestly duties at the central Sanctuary? Absolutely not, because Deuteronomy reports that the Levites lived as strangers in the various cities in Israel. But it does permit any one of them to become a priest. But then it is written: "And if a Levite (i.e. anyone of them) come from any of

this man can be no other than Aaron. When we further find in Deut. 27:9, 12, 14 that the Levites as priests are set apart from the rest of the tribe of Levi, then it is obvious that not the entire tribe of Levi was appointed to a specific priesthood. Moreover, one should not forget, that Deuteronomy itself (the critics may think about its date of composition what they want) decidedly states that it was written by Moses, and it emphasizes at all places its position in the Mosaic period and understands all its words as having been spoken by Moses. When Moses subsequently decrees that in the Holy Land only one Sanctuary will exist, where only the seat of the Ark of the Covenant and the sacrificial service can be, then he certainly cannot have said that God had elected the entire tribe of Levi for the sacrificial service, as if they would take for granted that everywhere in the land sanctuaries would be established in defiance of his decree. Thus Deut. 18:5 only speaks of one man whom God, just like the single holy place, had elected for the high priesthood. Likewise, the priests or the Levites who are described as bearers of the Ark of the Covenant (Deut. 34:9, 25; Josh. 3:15, etc.), are only the descendants of this elected man whose house would, as high priests, be in charge of the central Sanctuary, the seat of the Ark of the Covenant. This is also supported by Jer. 33:24<sup>210</sup> (cf. vv. 17 and 18) and Zech. 12:13, where the priestly Levites or the house of Levi do not appear as a tribe (*shevet*) but as a family (*mishpachah*) (cf. Josh. 7:14 and 1 Sam. 10:21), just like the family of the house of David. - It is also certain that Deuteronomy and the texts that depend on it, are informed of and assume the election of Aaron.

It is true that Aaron is not considered in his own right, but as the head and leader of the tribe of Levi.<sup>211</sup> That this is also the position of the PC, has been demonstrated above

---

thy gates out of all Israel, where he sojourneth, and come with all the desire of his soul unto the place which the Lord shall choose; then he shall minister in the name of the Lord his God, as all his brethren the Levites do, who stand there before the Lord" (Deut. 18:6-7). - Agreed for the time being, this passage grants to every Levite from the other cities the authority to come to Jerusalem in order to function there as a priest. However, this can only mean that he could be admitted to the service there. It could not mean that the legislator would have expected from the hereditary priests in Jerusalem to bring all the Levites from the other cities, who certainly would have at least numbered the same as they, to Jerusalem to be supplanted by them or to share their meager (according to Deut.) income with them. In any case, the above example in Deuteronomy, "And if a Levite, etc." is cited as an exception, which might now and then occur and whereby the privileges of the Jerusalem priesthood would not be significantly affected. But now we ask: 1) Who are the "brethren, who stand there before the Lord", who are privileged above the others, and which circumstance created this prerogative, when they did not descend from a prominent family from among the sons of Levi; i.e. when Deut. does not distinguish between the sons of Aaron and the other Levites? 2) Deuteronomy decrees (18:1): "all the tribe of Levi, shall have no portion nor inheritance with Israel," and substantiates this with that "they shall eat the offerings of the Lord made by fire, and His inheritance." How does this reasoning apply to those Levites, who do not actually function at the sacrificial service? Wherefrom should they live? Why is not somehow an income allocated to them, since Deuteronomy is ignorant of the tithes of the PC? See also the following chapter: "The Endowment of the Clergy."

<sup>210</sup> The baraita of the 32 rules of R. Eliezer b. R. Jose ha-Galili (ch. 20) and R. Jonah Ibn-Janach in the Riqmah (ed. Goldberg, p. 178 f.) assert that the "seed of Jacob" is to be understood as "the seed of Aaron." Wellhausen (*Gesch.* p. 145, note) thinks that "and David" is an interpolation; but without this word this verse would really make no sense at all.

<sup>211</sup> Also in the blessing of Moses (Deut. 33:8) Aaron appears as the head of the tribe of Levi. He is *'ish chasidenkha* ["Thy holy one"]. When at Massah (Ex. 17:7) Aaron is not found, it cannot be concluded from that, that he had not stood by Moses at that occasion. Rather, the expression "give us" in Ex. 17:2 shows that

(p. 120 f.), even though in Ex. 28 with the election of Aaron this is not clearly stated. Conclusive proof to the effect that post-exilic Judaism, too, did not take offense <sup>212</sup> to the view that Aaron was only elected as head of the tribe of Levi, is furnished by the prophet Malachi. He  
 132) certainly would not have wanted to contradict the PC <sup>213</sup> yet at the same time he repeatedly describes the election of the priests as a covenant made with Levi (Mal. 2:4-8). Even though he only had the covenant in mind that God made with Aaron (Num. 18:19) and Pinchas (Num. 25:12 f.) and refers to these directly (2:5), yet he does not hesitate to consider these as a covenant with Levi and to call the priests (3:3) Levites, just as in Deuteronomy. The prophet Malachi has found the description in the PC concerning the election of the priests therefore to be in agreement with the views of Deuteronomy, and we should follow him in this. <sup>214</sup>

It should furthermore be admitted that Deuteronomy does not differentiate between the functions of the higher and ordinary priests (Levites). The service of the priests at the sanctuary is usually simply described as "minister in the name of the Lord," which includes all of the higher and ordinary functions. Hence Deut. 18:6-7 simply says in a parenthesis, that the Levite may come to the chosen place and perform the service like the Levites who are there (the sons of Aaron and other Levites), who stand there before the Lord. <sup>215</sup> The  
 133) PC, however, does not only distinguish between the higher and ordinary priests, but even assigns specific tasks to different Levitical families. But we are dealing then with a priestly Torah which does concern itself with the internal affairs of the priests. It would be absurd to assert that before the Exile there would not have been different ranks within the priesthood

---

the rebellion of the people was also aimed at Aaron. When Wellhausen relates *'ish chasderkha* to Moses, than in any case he will find the Redactor, who puts the words of this blessing in the mouth of Moses, against him, who has a better understanding of the drift of this passage than the newer critic.

<sup>212</sup> In a similar fashion David's election as king is described as the election of the tribe of Judah. Ps. 78:68-70.

<sup>213</sup> Most scholars date Malachi's admonitory addresses in the time between Nehemiah's first and second mission in Jerusalem (between 445 and c. 424 BCE). Only a few place the prophet before Ezra (before 458 BCE).

<sup>214</sup> See also Bredenkamp, p. 194 f.

<sup>215</sup> *cheleq ke-cheleq yo'kheilu* ["They shall have like portions to eat"] in v. 8 cannot just have applied to the non-local Levites, it rather corresponds to *'ishei ha-shem we-nachalato yo'kheilu* ["they shall eat the offerings of the Lord made by fire, and His inheritance"], (v. 1). Vv. 6 and 7 are therefore to be understood as a parathesis in which it is decreed that the service (*lesharet*) at the holy place not be limited to the resident (*ha-'om'dim sham*) priests, but that also those who live elsewhere are permitted at any time. Verse 8, then, continues the regulations of vv. 1-5 with the clause *cheleq ke-cheleq yo'kheilu*. Just like David (I Sam. 30:24) decreed that the soldiers would equally share in the spoils with the weak ones who guarded the packs: so is it determined here that all priests and Levites, whether they serve or not, shall eat, in equal portions, "the offerings of the Lord made by fire, and His inheritance." This law was also observed in the time of Josiah. Even though the priests of the *bamot* were not admitted to the Temple service, they would still eat the priestly portion together with the other priests (II Kgs. 23:9). These provisions are also found in the PC regarding priests with a physical disability (Lev. 21:21 ff.) - We will have to dispense with a totally satisfactory explanation of v. 8b. A hint is found in the commentary of Ibn Ezra which would explain *mekharaw* as income which every priest would ["from him that bestoweth it upon him"] *me'et makaro* (II Kgs. 12:6). Feilchenfeld (MWJ, 1880, p. 71) observes that *lewd* never means 'outside', it only means *mi'lewd* (or *lewd me-*). *me-makharaw* does not mean "what he had sold," but "what was sold to him." The meaning of the sentence is then: no one shall be excluded from the Sanctuary: but the sacrificial service (here described as the consumption of the sacrifice) will be arranged according to a fixed order, in which every priest receives as his portion only that which was sold to him in the week assigned to his family.

of the Jerusalem Temple and that the *shomrei ha-saf* ["guardians of the door"] (II Kgs. 12:10) would be able to function, at their discretion, as sacrificial priest at the same time. The PC definitely emphasizes these differences.<sup>216</sup>

Related to this is also that exclusively in the PC the title Levi or Levites is only bestowed on the common priests, and that these are not called *kohanim*, priests as well. In the PC it is deemed necessary to designate the higher and common priesthood by means of specific terminology and the words *kohanim* and *leviim* best served that purpose. Even in the latest post-exilic documents, which clearly follow the same line as the PC, both names are used frequently. In Ezra 8:24 (cf. vv. 18-19), for instance, the Levites are called *kohanim* [priests],<sup>217</sup> just as in Mal. 3:3 the priests are called *benei levi* [sons of Levi]. Indeed, Ezekiel and most of the other post-exilic documents make use of the terminology of the PC at most places, while previously use was made mostly of expressions from popular speech.

Finally we want to point out the triviality of some of Wellhausen's assertions, whereby the conclusions that were derived from them will automatically collapse.

- 1.34) Based on meaningless grounds Wellhausen (*Gesch.*, p. 146 f.) relates the origin of the priestly family of Eli back to Moses and declares Moses, anyhow, as being the father and founder of the priestly class. - It is, however, completely unthinkable that the priests of the later period would have confused Moses with Aaron. Surely, they must have considered it a greater honor to be descended from Moses, the man of God, than from Aaron. Had it not been for Aaron's great significance as ancestor of the priesthood, he would not always have been mentioned together with Moses (cf. Micah 6:4).

Equally mistaken is the assertion (*Gesch.*, p. 145 f.) that in JE no other professional priests appear besides Moses and Aaron (as Ex. 19:22; 32:29 are supposedly addenda). Only in Josh. 3:9-17, according to Wellhausen's own assertion (*Jahrbh. f. d. Th.*, 1876, p. 587), the priests are mentioned as bearers of the Ark. The reference to the priests of Egypt in Gen. 47:22, 26 is also of incalculable significance (above, p. 128 f.).

"In the time of the Judges, priests and Levites, and the congregation of the Children of Israel assembled around them, have utterly vanished; there is hardly a *people* Israel..." (*Gesch.*, p. 130[127]). - This argument would not just deal a blow to the PC, but also to JE, since there also, a great people of Israel appears, numbering 600.000 men, under the leadership of Moses (Ex. 12:27; Num. 11:21). It is fair to assume that in any case, at the time of the Judges a decline had set in.

<sup>216</sup> That according to Deuteronomy, the Ark of the Covenant is carried by the priests, while according to the PC the Ark is carried by the Levites, does not create a contradiction, as has already been shown by Hengstenberg, *Beitr.*, III, p. 403.

<sup>217</sup> Curtiss, *The Levitical Priests*, p. 115, demonstrated that in Chronicles still no distinction was made between priests and Levites.



### The Endowment of the Priests

#### a) Lev. 27 on tithes and the firstborn

With regard to the material endowment of the clergy, the PC shows likewise the latest stage in the development of the Israelite cultic legislation. Before entering into the a discussion of the individual topics, however, we should draw attention to a factor, which, once more, is disregarded, or at least not given sufficient attention, but which is of significant importance to our investigation. With regard to the income of the priesthood, two stages appear in the development of the legislation the PC itself, which at the same time, provides us with the means to explain the striking deviation of the PC from the other laws. Let us first of all compare Num. 18 with Lev. 27. This will show us the same disagreement with regard to the use of the tithes and the firstborn, as exists between Num. 18 and Deut., as the new critics so strongly emphasize. - According to Lev. 27:30-31 the tithe does not belong to the Levites, but "it is holy unto the Lord," just as in Gen. 28:22 and Deut. 14:22 ff. And just as Deut. 14:25 135) mentions the redemption of the tithes, Lev. 27:31 suggests such a redemption as possible. With regard to the firstborn it is decreed likewise in Lev. 27:26 and also in Ex. 13:2 (PC), that they belong to the Lord, just as in the Book of the Covenant (Ex.23:28-29) and in Deut. 15:19. An indication that the firstborn are the priest's due is not found in any of these passages in the PC. Indeed, in Ex. 13:2 the words "both of man and of beast" say plainly that the firstborn of the cattle originally, just like those of man, were only sanctified before God, as is also explicitly stated in Num. 3:12 f. When we subsequently disregard Num. 18 for the moment, we can assert that with regard to the legislation concerning tithes and the firstborn, the PC is in total agreement with Deuteronomy. Wellhausen and his school consider it proper to completely ignore the harmony between both legislations and only take Num. 18 into consideration, in order to subsequently condemn utterly the entire legislation of the PC.

Meanwhile, Wellhausen did not totally ignore Lev. 27. <sup>218</sup> He refers to earlier statements concerning this chapter (*Jahrbh. f. d. Th.*, 1877, p. 444), where he says that it should be considered as a "supplement." He further states that in Lev. 27 "in conclusion the more definite offerings to the priest are treated, the firstborn, tithes from the field and the herd." Lev. 27, however, does not speak at all of "offerings to the priest." This is an arbitrary assumption of Wellhausen, who at the occasion refers to Kuenen's *Godsdienst* II, 268. Kuenen, too, is under the erroneous impression that Lev. 27 only deals with offerings to the priests. As in Lev. 27:32-33 also tithes from the herd are demanded, however, while neither in Num. 18, nor in Neh. (10:37-39; 12:44-47; 13:5, 12) tithes from the herd are included among the offerings to the priests, Kuenen claims (i.e., p. 270) that Lev. 27:32-33 must be a later interpo-

---

<sup>218</sup> [See also Wellhausen, *Gesch.*, p. 157, Engl. tr.]

lation. - More correctly he should have concluded from this, however, that in general Lev. 27 does not command to deliver the tithes to the priests. Concerning the tithes from the herd it can be asserted with certainty that they were never given to the priests, not even during the time of the Second Temple. When Philo (II, 234; 391) includes the tithes from the herd in the offerings to the priests, he derived this, as can easily be observed, from his misunderstanding of Scripture and not from the practice of his days. Josephus gives the decisive answer. He  
 136) does not mention the tithes from the herd at all, and when recounting the events of II Chron. 31 in *Ant.* IX, 13:3, he even deliberately omits "the tithes of oxen and sheep" (v. 6).<sup>219</sup> The Mishna, too, like all Talmudic literature, teaches us, that the tithe from the herd was not given to the priests, but like the second tithe [*ma'aser sheni*], was set apart for the thank offerings [*zevach shelamim*]. (Cf. Mishna Zevachim, 5:8).

Let us now examine Lev. 27 by itself and see whether it deals with offerings to the priests or with offerings to God or the Sanctuary. Firstly the case is discussed of someone who pledges to sanctify the valuation of a person (*'erekh nefesh*) to the Lord (vv. 2-8). Such and similar sanctifications were received in the time of King Jehoshaphat by the priests to be used for the maintenance of the Temple structure. But in order to be relieved of the latter obligation, the priests preferred not to take the money at all. The contributions would then be deposited straight into the Temple treasury and the priests had nothing to do with it whatsoever. They were only entitled to the money for the *'asham* [guilt offering] and the *chattu't* [sin offering] (II Kgs. 12:17, cf. Mishna Shekalim 6:6). That the law in Lev. 27 does not allocate these offerings to the priests is also seen from v. 8 in which a poor person requires the consultation of a priest for him to be valued "according to the means of him that vowed." But in other cases there was no need for a priest at all, because the amount was fixed and would be delivered directly into the Temple treasury (Josh. 6:24) and its purpose was for the benefit of the state and not for the priests (I Kgs. 14:26; 15:18; II Kgs. 18:15). - Lev. 27:9-13 has even less to do with offerings to the priests, as it deals with sanctification of cattle, since according to the regulations in vv. 9-10 every sanctified animal which is fit to be sacrificed, is only to be brought into the Sanctuary as a sacrifice. In the case of a burnt offering [*olah*] it was burnt whole on the altar; and if it was a peace offering [*shelamim*] it would be prepared for a holy meal by the owner from which the priests would receive only a few portions. In Lev. 27:14-25 regulations are found with regard to the sanctification of property: concerning houses (vv.  
 137) 14-15) and fields (22-25). In any case, all this deals with sanctification to God and not to the priests.<sup>220</sup> This can be seen most clearly from the following exceptions to the above provi-

<sup>219</sup> The Syriac translation of II Chron. 31:6, too, is noteworthy.

<sup>220</sup> In v. 21 following the regulation: "But the field, when it goeth out in the jubilee, shall be holy unto the Lord, as a field devoted [i.e.: off limit, given up]", we find the clause: "the possession thereof shall be the priest's".

sions. To begin with, v. 26 shows that the firstlings among the clean animals were not sanctified through a promise to God, since they were already holy from birth before the Lord by means of an already existing precept. This can only refer to the precept in Ex. 13:2 (Pg), which, as we mentioned, cannot possibly refer to priestly offerings. The second exception refers to the *cherem* [devoted thing], which cannot be taken away from the Sanctuary through buying or redeeming. Neither is it possible to pay ransom to redeem a person in *cherem* from death (vv. 28-29). Such excommunications did occur quite often in Israelite history (cf. Nachmanides). <sup>220a</sup> For instance, at the conquest of Jericho, whereby all that lived, from man to beast, was killed and the other goods were given over to the Temple treasury (Josh. 6:21, 24). It is therefore clear that, with regard to *cherem*, no mention is made of income for the priests. How then, could it occur to anyone to interpret the *ma'aser* [tithe] which in v. 30 is described as *qodesh lashem* ["holy unto the Lord"], as priestly or Levitical tithes? And equally, to interpret the tithe of the herd, which is prescribed in v. 32, as offerings to the priest; since here, just like above (v. 10) with regard to the sacrificial animals it is strictly prohibited to "change it, a good for a bad, or a bad for a good" - It can therefore not be doubted that the tithe of the herd was utilized for the sacrificial meals, and probably likewise, the pericope indicates that also the other tithes or their ransom money would be dedicated to the sanctuary and used for the sacrificial meals.

138) b) *The regulations in Num. 18*

Had we not had Num. 18, surely no one would have found a discrepancy between the PC and Deut. concerning the tithes and the firstborn. The attack launched by Wellhausen and Kuenen against the entire PC is in any case unjustified. They could at least have limited themselves to the single chapter of Num. 18, which does refer to other regulations in the PC, but at the same time presents itself as a new law, promulgated in the wake of Korach's rebellion, traces of which are nowhere to be found in the PC.

---

Just from that it could be concluded that the priests were entitled to all things 'devoted.' This would contradict v. 28, however, according to which *kol cherem* ["every devoted thing"] belongs to the most holy God, and not, as in Num. 18:14, to the priests. Perhaps in order to solve this contradiction in our chapter, the LXX translated *sadeh ha-cherem* ["a field devoted"] in v. 21 *he ge he aphorismenè* (not *anatethematismenè* as in v. 28 and elsewhere) [The first term refers to something hallowed. The second term is in *koine* -Greek and refers to a field fenced off with poles, in general esp. fields that are encumbered with a mortgage.] - Our sages in Sifra on this passage and in Sifre on Num. 18:14, as well as in M. Arachin 8:6 have tried to solve the contradiction by assuming that there would have been two kinds of *cherem*, one devoted to the priests and one to the Lord. But there is a difference of opinion as to whether the non-determined *charamum* belong to the first or the second category (see also Mishna Arachin 7:4). It would, in any case, be totally unjustified to conclude from the sentence "the possession thereof shall be the priest's" in v. 21, that the entire pericope deals with offerings to the priests, which is also assumed a.o. by Nowack (*Hebr. Archäologie*) with regard to the tithes of the herd.]

<sup>220a</sup> [Nachmanides, in his Commentary on Leviticus (27:29), gives among others, the example from the Book of Judges concerning the vow Jephtah made with regard to his daughter.]

We will now examine the new regulations in Num. 18 with regard to the tithes and the firstborn. It says in v. 15: "Every thing that openeth the womb, of all flesh which they offer unto the Lord, both of man and beast, shall be thine (i.e. Aaron)." We see here that an offering that thus far had been brought to God was now allocated to the priests. When in Deut. 15:20 the Israelites are commanded to sanctify the firstling of the animals before God and to consume it as a sacrifice at the holy place, we see that here it repeats the pre-Sinaitic law of Ex. 13:2 and the Sinaitic law of Lev. 27:26, while at least most of the deuteronomic regulations were revealed immediately following the legislation at Sinai (according to Deut. 5:26-6:1).<sup>221</sup> After the later change the regulations of Deuteronomy were to relate to the priests, however, and the priests now had the task to bring the firstlings of the animals on the altar as a sacrifice and to consume it in the holy city (Num. 18:17-18).

With regard to the tithes one could propound the same claim, namely that Num. 18 merely modifies the older Sinaitic tithing law and prescribes the tithes to be given to the Levites instead of consuming them at the Sanctuary. For the following reasons, however, I deem this claim to be incorrect [Wellh., *Gesch.* p. 156-157, Engl. tr.]. Firstly, since according to Deut. 14:29 the tithe of the third year is also apportioned to the poor, the strangers, widows and orphans, besides to the Levites, it would hardly be imaginable that Num. 18 would abolish this precept, from now on giving everything only to the Levites and absolutely nothing to the (39) needy. Secondly, the tithe in Deut. 14:22 ff. is holy and can only be consumed in the holy city, while according to Num. 18:30 f. the tithe of the Levites, just like the normal produce of the threshing floor and the wine press, could be eaten at any location. Hence it is more correct to assume, with the Jewish tradition (which can also be found in the LXX on Deut. 26:12, Josephus' *Ant.* IV, 8, 8 and in the Book of Tobith I, 7) that Num. 18 speaks of a different tithe, which as *terumah* is set apart from the tithe of Deut. and Lev. 27. This tithe was regarded as an inheritance (*nachalah*) of the Levites. From the beginning every Israelite had to consider one tenth of the fields in his possession not as his own but as God's possession (*terumah lahem*), the produce whereof he gave to the Levites. Thus it is commanded in Ez. 48:8 ff., to reserve a part of the entire holy land as *terumah* for the Lord. However, according to Num. 18 this *terumah*, divided over every inherited field,<sup>222</sup> should be considered to be set apart for God immediately after the conquest of the land. From the produce of that part of the fields

<sup>221</sup> Needless to say, Wellhausen cannot object to this supposition, since, according to him, Deuteronomy in its earliest form [*Urdeuteronomium*] is in any case only intends to be an expanded version of the Book of the Covenant. See above, p. 43 f.

<sup>222</sup> That the Israelites themselves had to cultivate this *terumah*-part of the land, which after all belonged to the Levites, may be equivalent to the fact that the Levites again performed the service in the Sanctuary for all of Israel (Num. 18:21). Moreover, according to the Torah law the tithes of the Levites, just like the levy of the priests, could only be taken from the corn, the wine, and the oil and not from the other fruits of the field (cf. Num. 18:12 and v. 27).

that remained as property after the separation of the *munchah*-tithes, another tenth was to be set apart as the second tithe, <sup>223</sup> which was not given to the Levites but was to be utilized for and consumed by the owners at the sacrificial meal. The regulation with regard to this tithe is closely connected with the selection of the holy city, whereto one should often travel in order "to learn to fear God" (Deut. 14:23). It seems to me that this is the foundation of the traditional Jewish view <sup>224</sup> When the critics consider this view to be impossible, however, (as Kuenen judges, *Eintl.* § 3, note 17) they can reconcile Deut. 14 with Lev. 27 on the one hand, and Num. 18 on the other hand, in that the regulations in the latter chapter seem to be presented as a modification of the earlier Sinaitic laws. - It is not known whether these modifications were prompted by the rebellion of Korach or by the election of the Levites to take the place of the firstborn. It is sufficient to show that originally in the Sinaitic legislation of the PC the income of the priests was not essentially different from that in Deuteronomy.

But let us consider the PC in its entirety! Does the PC indeed look excessively after the material provisions for the clergy? - "It is absolutely astounding . . ." Wellhausen suggests (*Gesch.*, p. 164/157-158), "the amount which is required to be given in the end is enormous. The priests receive all the sin and trespass offerings, the greater share of the vegetable offerings, <sup>225</sup> the hides of the burnt offerings, the shoulder and breast of meat offerings. Over and above are the firstlings, to which are added the tithes and first-fruits in a duplicate form." - If we would disregard the Levites, who according to the Pentateuch, after all, only receive the tithes, and we would only consider the contributions which the PC prescribes specifically to the priests, then it will be demonstrated that these do not exceed the priestly income as it is mentioned in Deuteronomy and the other historical and legal sources; it is in fact even less in value. Next it should be taken into consideration that the PC only allocates the sacrifices of the single and indeed central Sanctuary to the priests, either because it presupposes the centralized and unified Sanctuary (as Wellhausen thinks), or promulgates its regulations for the cen-

<sup>223</sup> It is common knowledge that even today many Israelites first separate the tithes from their capital and then always the tithes from the interest or the yield of the capital for the poor.

<sup>224</sup> This view also seems to be supported by II Chron. 31:6, as the *ma'aser qodashim* ["tithe of hallowed things"] which is mentioned there should probably be understood as the talmudic "second tithe," since the Targumim refer to the second tithe and the tithe of the herd as *ma'aser qodsha* (cf. T. Onq. and T. Jon. on Num. 5:10 and Deut. 12:16). The name is fitting as this tithe was only consumed in a pure state in the holy city, while the first tithe could be treated by the Levites just like anything profane (Num. 18:30 ff.) - Philo, however, does not know anything of this second tithe. This only proves that this author was totally ignorant of the Palestinian custom (which is, however, fully authenticated by Josephus) and that, therefore, his statement concerning the tithe of the herd (above, p. 135) cannot have been taken from real life.

<sup>225</sup> This should be "the vegetable offerings of the burnt and peace offering," as sin and guilt sacrifices did not contain vegetable offerings. Apart from that, Wellhausen's assumption is based on an error, which is also shared by others (e.g. Dillmann, *Exod. u. Lev.* <sup>3</sup>, p. 423). The priest would only keep the separate *munchah*, but not the additional *munchah* which was connected with the libations (*munchah nesakhim*). This was to be burnt on the altar whole. I have demonstrated this in my essay "The Highest Court of Law," p. 42, note 5, a.o. from Josephus, *Ant.* III, 9, 4 and 3, 15. [This is the *Beilage zum Jahresbericht des Rabbiner Seminars*, Berlin, 1878, entitled "Der Oberste Gerichtshof in der Stadt des Heiligtums."] See also my *Comment. zu Lev.*, p. 144.

tral sanctuary, as has been explained above (p. 87 f.). Besides, the enjoyment of the meat of the sacrifice, including that of the firstlings, was restricted to time and place. The meat of the sacrifices may only be eaten in the city of the Sanctuary, for the most only in the forecourt of the Temple (Lev. 6:9, 19; 7:6). All parts of the sacrifice (even the vegetable offerings) could only be eaten on the actual day of the offering or at the latest on the following day. What remained was burnt (Lev. 7:15-17; 8:32; cf. Josephus, *Ant.* III, 9, 3 and 9). The offerings the priests were entitled to consisted only of basic food stuffs that were collectively holy and could only be eaten by the priests and their dependants, according to the PC. "There shall be no common man eat of the holy thing; a tenant of a priest, or a hired servant, shall not eat of the holy thing." (Lev. 22:10). All priestly contributions, without exception, were designated holy by the PC; even the tithe of the tithe, which the Levites would give to the priests (Num. 18:29). Many parts of the sacrifice could only be eaten by the males of Aaron's descendants (Lev. 6:11, 22; 7:6).<sup>226</sup> We see also that the PC does not offer anything to the priests in excess of the direct provisions for their livelihood, food stuffs which could not be sold to others and which would protect the servants of the Sanctuary against poverty and hunger, but which in no way could provide them with riches, power and prestige. - Only the tithes, which the PC allocates to the Levites, are free from the above injunction (Num. 18:30-31), and it is easily understood how the priests of the Second Temple, who had acquired this Levitical income for themselves, rose to honor and greatness. This can never have been the intention of the PC, however, which gives these meanest of offerings not to the priests but to the Levites as an inheritance.

c) *The income of the priests in D and elsewhere*

We will now examine the endowment of the clergy according to Deuteronomy and the other legal and historical sources. Besides those in the PC the following sources of income of the priests are mentioned:

- 1) The priestly parts of the sacrifices are often mentioned without further definition. According to I Sam. 2:28 the priests were entitled to "all the offerings of the children of Israel made by fire." It seems that in Shiloh the custom existed that the priest could take from every *zevach* a substantial piece for himself (I Sam. 2:13-16). But this *zevach* is not the same as the *shelamim* of which the priest, according to the PC, could keep the breast and the thigh.<sup>227</sup> The priests were furthermore entitled to the shewbread (I Sam. 21:7), the sin

<sup>226</sup> When in an impure state, which would often occur in view of the many regulations concerning purity in the PC, priests too, in fear of the punishment of *karet* [either excommunication, or divinely ordained premature death], would eat nothing holy. (Lev. 22:3 ff.)

<sup>227</sup> Under the assumption that *zevach* in the Books of Samuel is the same as *shelamim*, the criticism has found I Sam. 2:13-16 to be in contradiction to the PC. The older commentaries to this passage, too, deemed the forced explanation necessary, that the sons of Eli, apart from the breast and the thigh which was their due, had unlawfully appropriated still other parts. Passages such as Ju. 20:26; 21:4; I Sam. 10:8 provide sufficient

offering (Hosea 4:8)<sup>228</sup> and the meal offering, consisting of *matzot* (II Kgs. 23:9). In the time of the First Temple the priests would not just receive such parts of the sacrifices from only one, but numerous sanctuaries (*hamot*).

2) Related to the parts of the sacrifice are other offerings, like money for the trespass and sin offerings (II Kgs. 12:17) and the first-fruits (*bikkurim*, Ex. 23:19, cf. Deut. 26).

a) Of every slaughtered animal the forefoot, the two cheeks and the stomach (Deut. 18:3).<sup>229</sup>

b) The first-fruits of the corn, wine and oil, the *rrumah*, which is to be distinguished from the firstlings of all the fruits of the land (Deut. 18:4). These first-fruits (or *rrumah*) are also implied in *m'le'akha we-dim'akha* ["the fulness of thy harvest and the outflow of thy presses"] in Ex. 22:28. The etymology of the word *m'le'ah* in this passage is rather obscure. It can with more certainty be proved that the word *demar* is identical with *chelev* = *rrumah* (Num. 18:12, 29; 30:32). The Samaritans translate *chelev*, in places where it means 'the best, excellent,' always with *demar* (cf. Gen. 45:18; Num. 18:12 etc.). The ancient Mishna, too, uses *demar* for *rrumah* (Tohorot 2:3; Oholot 16:4). The place where this *rrumah* was stored is called *heit ha-demar* (Tosefta, Terumot X, 16). In the later language of the Mishna *demar* is completely supplanted by *rrumah*; but the verb *dame'a*, meaning 'to make something (through mixing with *rrumah*) into *rrumah*', was retained. The Mishna calls such a mixture *medume'a* (e.g. Mishna Terumot, 5:6). This *demar* comes from the Arabic دماع [Hoffmann uses Arabic characters] which means 'brain' and has as primary meaning, 'marrow, the best' (as in Aramaic, מוקרא, 'brain', from יקר, 'valuable'). It can therefore clearly be distinguished from the word *dim'ah*, meaning 'tear', which in Arabic is called

---

proof that *shelamim* is not always identical to a plain *zevach*. In Samuel *zevach* is a sacrificial meal, which consists mainly of tithes of the herd. Kuenen (*Godsd.* II, 268) can object to tithes of the herd what he may, the fact that Jakob, whose entire property consisted mainly of cattle, offers the tithes from all of them (Gen. 28:22) vouches for the great antiquity of the tithes of the herd. This tithe, however, was used for the sacred meals to which by law, the priests were not entitled at all. (See Maimonides, *Hilchot Berachot* VI, 4). It is noteworthy that both according to the LXX on I Sam. 1:21 as well as Josephus, *Ant.* V, 10, 3, Elkana, too, would bring tithes to Shiloh. - If this would have suited the system of the new criticism it would surely have been claimed, that in the text [of Samuel] at the basis of LXX it had said *ma'aser*.

<sup>228</sup> See above, p. 96. The newest critics do contest that *chatta't* here would mean sin offering, but see p. 97.

<sup>229</sup> Most new critics believe that *zevach* in Deut. 18:3 is the same as *shelamim*, wherefore Deuteronomy would be in insoluble contradiction with the PC, which in case of *shelamim* allocates the breast and thigh to the priests. Only if we, as already above in note 227, have to distinguish the *zevach* in I Sam. 2 from the *shelamim*, it is even more necessary to do this with regard to Deuteronomy which permits slaughter and consumption of sacrifices anywhere, while before every slaughter had to be a sacrifice (Deut. 12:20 ff.). Deuteronomy also prohibits the bringing of sacrifices outside of the holy city and in this way limits the number of sacrifices to a very narrow measure. Sacrifices would be brought almost only at festivals, when all would make a pilgrimage to the holy city. Were it not for the precept that now also, now that slaughter had lost its sacrificial character, the priests would still receive a portion, even when until then every slaughter had been sacrifice, the income of the priests would have been significantly curtailed because of these regulations. When Wellhausen assumes that in the period before Deuteronomy every slaughter must be a sacrifice and that the priest would receive his portion from it, then it follows that the deuteronomic law also commands that this portion be given from the profane slaughter and with *zevach* (18:3) is not meant *shelamim*, but the animals that are slaughtered outside of the Sanctuary, of which also before (12:21) the expression *ve-zavachta* ["thou shalt kill"] is used.

- 144) c) The first of the fleece of our sheep (Deut. 18:4).  
 d) Certain monetary gifts which the priests received from their benefactors (II Kgs. 12:6, cf. Ibn Ezra on Deut. 18:8).

In addition we see that outside the PC, which acknowledges that the offerings that are allocated to the priests, are reckoned as their complete property in the use of which they are in no way limited. The Levite (priest) of Deuteronomy consumes his portion together with the poor, widows and orphans. Forefoot, cheeks and maws which were given to the priests, are not holier than that which remains in their possession, and according to I Sam. 21:5 holy bread was once even presented to non-priests. That the priests had complete disposal over the income in money and wool, etc., is hardly doubtful. It goes without saying that the offerings which the priest could utilize as he wanted, were more valuable to him than those that could only be used for his immediate upkeep. - All in all, it can in no way be asserted that it was the intention of the laws in the PC to further the wealth and material power of the priests, and consequently, there is no evidence from that side for the lateness of the PC.

- We should, furthermore, also vehemently contest the veracity of the premise, that in great antiquity the power of the Israelite clergy had been less and had increased only in the course of time. This assumption contradicts in the first place the clear historical fact that for centuries the Israelites had dwelled in Egypt, where the priestly class was held in the highest esteem (cf. Gen. 47:22; Herodotos 2, 35; 37; Diodorus 1, 73). The assumption further necessitates the denial of the historicity of the account, which has been confirmed from various sides, that Moses, the legislator and leader of Israel, belonged to the tribe of Levi. And lastly it must disregard the fact that already in its earliest period every new teaching, and especially a new religion, like the Israelite religion, requires of its followers a special stand of total de-  
 145) dication to this religion, and possesses enough power and influence in order to bring it to validation and recognition among the entire people. - Other than that for a certain period fol-

230 Wellhausen (*Gesch.*, p. 162) wrongly identifies the *re'shit* ["first-fruits"] in Deut. 18:4 with that of Deut. 26, without realizing that: 1) Deut. 26:2 commands to "take of the first of all the fruit of the ground...and [to] put it in a basket," while according to 18:4 only the *re'shit* of corn, wine and oil be given. 2) According to 18:4 the offering is given directly to the priest and not brought to the Temple. In 26:2 and 10, on the other hand, it is commanded to bring the first-fruits to the Temple and sanctify it before God (cf. Prov. 3:9). 3) Deut. 26 is obviously a further extension of Ex. 23:19 and 34:26, according to which the first-fruits should be brought to the Temple; there, however, this contribution is called *bikkurim*, which is the first-ripe fruit (cf. Is. 28:2). This offering consists, therefore, of unprepared fruits, as they are harvested from the land (*pri ha-adamah*), and not of corn, wine, and oil. *Mele'ah* and *dem'a* would then refer to the latter (Ex. 22:28), which is to be distinguished from the *bikkurim* (23:19). - Wellhausen is also mistaken (p. 163), when he concludes from *me-re'shit* in Deut. 26:2 that *re'shit* only refers to the holy fruit, which is consumed entirely by the owner before God and from which the priest only receives part. The word *me-re'shit* can be explained more correctly like the same word in Num. 15:21 (cf. with 15:20); compare also *me-achad* in Deut. 15:7, and Ewald, *Lehrb.*, § 278c. The Rabbis conclude from *me-re'shit* that it was not obligatory to bring first-fruits from all fruits, but only from those kinds listed in Deut. 8:8.



lowing the conquest of the land of Canaan the priests disappear from the stage of history, nothing speaks in favor of this assumption. But it is only natural that in wartime religion and law have a low profile and formidable military heroes rule supreme and leave their names to future generations. Yet, at the closing of the period of the Judges, when Israel had enjoyed peace for quite a long time, we find a priest, who at the same time heads the state for forty years as a judge (I Sam. 4:18). In the period of the monarchy the priests perform the anointing of the kings (I Kgs. 1:39; II Kgs. 11:12). They are the teachers and judges of the people (Hos. 5:1; Jer. 12:8; cf. Deut. 17:9; 19:17) and were in any case contrasted with the people as a higher class (Hos. 4:9; Is. 24:2; Jer. 23:34). - In view of these facts the hypothesis that the very part of the legislation in which the power of the priests seems to be so impressive, had only come into being after the Exile, i.e. in a much later period, has brought itself to justice. - It has been demonstrated above (p. 75 f.) that also the relationship between priests and Levites after the Exile raises objections against this hypothesis.

d) *The income of the priests and the Levites in Ezekiel*

On closer examination it is precisely the legislation in Ezekiel, from which the newest school thinks to prove that the PC had not been available before the Exile, that can provide the evidence that the Pentateuchal PC is very ancient. This prophet commands explicitly the execution of a strict separation between priests and Levites. He keeps the latter far from anything holy and from the most holy place (44:13). The altar, also, can only be approached by the priests (40:46). Furthermore, he does not allow the Levites to choose a profession, they are rather obligated to perform certain tasks in the Sanctuary (44:11, 14). The question whereof  
 146) these Levites should live is not answered by Ezekiel at all. Ez. 44:29-30 would allocate income to the priests, but not to the Levites. The Levites had just as little land property among the other tribes as did the priests. Only a very small area was assigned to them 'as a city to live in' [Ez. 48:15]. - Does Ezekiel base himself on Deuteronomy with regard to the income for the Levites? Only Deuteronomy has the Levites live dispersed in all the gates in Israel, and commands the Israelites to support them together with the other needy among the people (Deut. 14:27-29), while according to Ezekiel they all live together and dwell near the priests and the Sanctuary (Ez. 48:13). Furthermore, according to Deuteronomy the Levite can freely serve at the Sanctuary and consume his portion equally with his brothers (according to Wellhausen: the priests), which Ezekiel strictly prohibits! Also from the income described in Deuteronomy the Levites in Ezekiel receive absolutely nothing. - It should, moreover, be taken into consideration, that the residences Ezekiel (45:3-5; 48:10, 13) assigns to the priests are of the same size as those of the Levites. From all this we can conclude: 1) Ezekiel presupposes the legislation of the PC, where by means of the transferring of the *rumah*-tithes the Levites are

sufficiently provided for. 2) Ezekiel, who does not allot more room for the dwelling-places of the Levites than for the priests, must belong to a much later period than the PC, which allots to the Levites nearly three times as many cities than to the priests (see above, p. 75).

Even though Ezekiel does not mention everything which was prescribed in Num. 18 in his enumeration of the priestly offerings, this cannot be explained by suggesting ignorance of this group of laws. Neither does Ezekiel mention all the offerings which Deuteronomy allocates to the priests (Deut. 18:1 ff.), although, in Wellhausen's view Ezekiel could only have based himself on a passage from Deuteronomy when regulating that no part of the land be given to the priests (Ez. 44:28). We already demonstrated (p. 41) that with the expression "and every heave-offering of every thing" in 44:30 Ezekiel combines all priestly offerings that are designated as *terumot* in Num. 18 and other places.<sup>231</sup> They are: 1) the firstlings of the herd, 2) breast and thigh from the peace-offering, 3) the tithe of the tithe. The two first mentioned items are called *terumat ha-qodashim* in Num. 18:19, and the tithe of the  
 147) tithe is repeatedly called *terumat ha-shem* (Num. 18:26, 28, 29) - Only through prejudice can it be misinterpreted that Ez. 44:28-30a simply gives a short summary of Num. 18. We will place the corresponding offerings side by side:

Ezekiel, 44:29-30a

the meal-offering, and the sin-offering, and the  
 guilt-offering

every devoted thing

and the first of all the first-fruits

And every heave-offering of every thing, of all  
 your offerings<sup>232</sup>

Numbers, Ch. 18

9: even every meal-offering of theirs, and every  
 sin-offering of theirs, and every guilt-offering  
 of theirs.

14: every thing devoted

12-13: the first part of them - the first ripe  
 fruits

19, 29: All the heave-offerings of the holy  
 things - Out of all that is given you...all of  
 that which is due unto the Lord

We have further demonstrated (p. 41 f.) how the rule concerning the portion of the priest in the most holy sacrifices can only be understood when the regulations of the PC are presupposed.<sup>233</sup> Furthermore, Num. 15:20 f. regulates giving a *terumah* to the Lord from the first

<sup>231</sup> The "of all your offerings" in Ez. 44:30 can be understood as an apposition to the previous "every heave-offering of every thing," and is thus interpreted by Ewald, *Lehrb.*, 278c and 270b. The expression "every heave-offering of every thing, of all your offerings" is moreover modelled on Num. 18:29, cf. also v. 28.

<sup>232</sup> It can now be understood why Ezekiel does not mention the income of the Levites, they are included with the *terumot*; cf. Num. 18:24.

<sup>233</sup> Ezekiel is also in agreement with the PC regarding to the place where the sacrifice is to be consumed. He designates (42:13) a holy site for the meal, sin, and guilt sacrifices [*mincha*, *chatat*, and *asham*], but not for the *shelamim*. (cf. Lev.6:9, 19: 7:6; 10:14).

of the dough; no mention is made of priests in this passage. Ez. 44:30, on the other hand, says outright: "ye shall also give unto the priest the first of your dough" This the prophet has concluded from the general statement in Num. 18:19, according to which every *rrumah* which the Israelites contribute to the Lord, belongs to the priests, which naturally also includes the *rrumah* from the dough. - Ezekiel justifies this regulation together with that of the *rrumah* of the threshing-floor (*rrumat goren*, Num. 15:20) with the words: "to cause a blessing to rest on thy house" [44:30] (not just in the field and on the threshing-floor, cf. Deut. 28:3). - From the above it is clear that Ezekiel presupposes the regulations of the PC.

From the issues so far discussed emerges that with regard to the holy offerings and income of the priests two sets of legislation can be detected in the PC. The first, which we will call the Sinaitic, is contained in the Book of Leviticus, which allocates various holy offerings to the priests (Lev., ch. 6-7; ch. 22), but the firstlings and tithes are described as belonging to the Lord (Lev. 27). Deuteronomy continues in this line when it likewise considers this legislation as having been revealed at Sinai (Deut. 5:19|28-6:1). In the later legislation of the PC, in Num. 18, we find that besides the other offerings a tithe for priests and Levites is also  
 148) mentioned, and the firstlings are given to the priests as well. But in these laws, too, the material endowment of the priests cannot be measured as richer than that found in the other legal and historical sources. If there is no basis then to doubt the prestige and the power of the priesthood in ancient Israel, and since, furthermore, the PC by its very contents, testifies to its own antiquity, and since finally, it is evident that the prophet Ezekiel presupposes the PC, it will be impossible to date the origin of the PC in post-exilic times.

#### e) *The Levitical cities*

Wellhausen (*Prol.*, p. 165 ff.) also produces the 48 levitical cities as evidence for the lateness of the PC,<sup>233a</sup> and his followers agree with him.<sup>234</sup> But Wellhausen's deduction consists of a

<sup>233a</sup> [Benjamin Mazar ("The Cities of the Priests and the Levites," *SVT* 7(1959): 193-205), establishes the historicity of these cities, their pre-exilic origin, and provides an interesting hypothesis as to the function of these cities with a possible parallel in Egyptian political-military history. At the same time he relegates Wellhausen's claim of their being a product "of post-exilic imagination" to the realm of fantasy (p. 195). He equally takes issue with Yechezkel Kaufmann's hypothesis that the institution of the levitical cities represented, it is true, a very old concept the origin of which was to be found in the early period of the Israelite conquest of Canaan, but that it was yet utopian in nature and never realized. On the basis of an analysis of the available lists Mazar states, "The dating of these lists to so early a period is in the first place impossible because they contain Canaanite cities that were conquered only in the time of David and Solomon; they also contain names of places founded during the conquest and occupation of Canaan by the Israelites, and even at the beginning of the Israelite monarchy. In any case, the lists cannot have been compiled earlier than the reign of the House of David." (p. 195) But see also the opposing view of Ehud Ben Zvi, "The List of the Levitical Cities," in: *JSOT* (1992)54: 77-106 as well as the literature quoted there representing various views on the issue. Based on e.g. the geo-political evidence, Ben Zvi is of the opinion that the lists of the levitical cities originated in the post-monarchical period and are representative of the "claims, disappointments and hopes" of that period (p. 105).]

<sup>234</sup> cf. e.g. Kuenen, *Eintl.* § 3, note 19 and § 15, note 16; Graf in *Merx' Archiv* I, 82 ff.

statement of principle (*petitio principii*). Anyone who would presuppose that the priesthood represented a powerful and numerous class in Israel, will find, on the contrary, proof for the great antiquity of the PC in the 48 priestly (whether the priesthood ever actually possessed them, or whether it constituted merely a religious claim) and Levitical cities. Since it would be unimaginable that after the Exile anyone would have demanded something like this for the priests and the Levites, as no one would even have considered its realization. We should be reminded, however, that the other sources also demand a special area for the tribe of Levi. Whoever would not fancy the outlandish hypothesis, will certainly not find any distinction between the Levite in the Book of Genesis and the other books of the Pentateuch. Whatever arguments Wellhausen (*Gesch.*, p. 148-150) presents in order to make his assumption of the distinction between Levi, the old tribe of Israel and Levi, the priesthood, seem plausible, once again they lack every historical foundation. The tribe of Levi is supposed to have come to an end already in the earliest period of the Judges, together with the tribe of Simeon! Why then, do we not find a trace of the territory of this tribe of Levi, which, according to Wellhausen, was supposed to have been located on the shore of the Dead Sea bordering the desert, while the territory of the tribe of Simeon is exactly described? - The priestly class of Levi, on the other hand, would have come into existence very late! Only, we have already indicated (p. 149), that the priesthood in Israel had been hereditary since the oldest times and that Levi constituted a priestly tribe and not merely a priestly class. - We will justifiably keep on insisting therefore, that Levi, the Israelite tribe of Genesis, is identical with Levi, the priestly tribe.

If Levi appears warlike in Genesis and, together with his brother Simeon, massacres the inhabitants of Shechem, then this contradicts in no way his being a priest. In ancient times it was in fact the duty of the priest to avenge any blasphemy against God with the sword, just as the tribe of Levi had done after the construction of the golden calf in the wilderness. Pinchas at the occasion of the Israelite participation in the cult of Ba'al Pe'or, the high priest Yehoyada against Queen Ataliah, and in later times still, the Maccabees have shown. When, however, the Patriarch Jacob condemned the act of Levi, it could be that the priest simply went too far in his zeal, since he massacred an entire city for the crime of one individual. In any case, this act of Levi is not something that would contradict his priestly profession. - Apart from that, it is shallow rationalizing to look upon every narrated event in Genesis as a reflection of later history. It is quite well known that in many cases this does not hold up, but it is forgotten to take these instances into consideration and meanwhile one pipedream after another is quietly dreamt up. The one who wants to conclude from the act attributed to the man Levi in Jacob's blessing the profane bloodthirsty character of the tribe of Levi, should first indicate how the statement with regard to Reuben, "because thou wentest up to thy father's bed" [Gen. 49:4 > Gen. 35:22], says anything about the tribe's history.

With regard to the above it is certain that the words of the dying Patriarch: "I will divide them in Jacob, and scatter them in Israel" (Gen. 49:7) could only count as a prophecy for the future for the tribes of Simeon and Levi. "I will divide them in Jacob and scatter them in Israel" meant in Simeon's case undoubtedly just that this tribe would not possess a special and separate area, but rather that its cities would be enclosed by the tribal territory of Judah. The same must have applied to Levi's case. However, its clerical calling did not require its cities to be within a tribal territory, but rather to be scattered in all of Israel. Furthermore, the Levites would only need cities to dwell in but would not possess fields and vineyards. In any case - and this we can see from Jacob's blessing - Levi, just as Simeon, had possessed a tribal area. - This can also be concluded from the blessing of Moses, in which Levi without doubt appears as a priestly tribe. "Smite through the loins of them that rise up against him, and of them that hate him, that they rise not again," thus implores Moses on behalf of the tribe of Levi (Deut. 33:11). This can only refer to foreign pagan enemies, since it is unthinkable that in this chapter, wherein Israel is only blessed and called fortunate, at the same time it would have received a curse that in times to come ungodly people from among Israel would rise up against the priests and would then be destroyed. Moses rather implores that the Levites, who devote themselves to the holy calling, and ignorant of the trade of war and are not able to defend their cities against enemies, be protected by God's hand and that He may crush their enemies. It goes without saying that this prayer presupposes that the priestly Levites live in special cities. It is possible that the Levites gradually lost the cities allocated to them, partly because they were not in a position to conquer them from the Canaanites, of whom many still lived there, and partly during the restless and lawless period of the Judges when they were threatened by external and internal foes. Likewise about the towns of Yair (*chavvot ya'ir*) it is related that pagan neighbors snatched them from the Israelites for a long time (I Chron. 2:23). When later, after the partition of the kingdom, all Levites were crowded together in the small Kingdom of Judah, naturally all the Levitical cities came into the possession of the tribes to which they had originally belonged. It is furthermore probable that many of the priests who were dispersed and driven away took possession of other spots, something for which we have a certainly not isolated example in "Nob, the city of the priests" (I Sam. 22:19). This is the reason why no more mention is made of the priestly and Levitical cities in the later history.<sup>235</sup> - Only the fact that Nob is not listed among the priestly cities in the PC, proves that the account in Josh. 21 is

<sup>235</sup> Hoedemaker (*Der mos. Ursprung der Gesetze in den BB. Lev. u. Num.*, transl. by A.F. Schulte-Bunert, Gutersloh, 1897) remarks that Obed-Edom, who was the keeper of the Ark of the Covenant together with Jehia according to I Chron. 15:18, 24 and whom Wellhausen takes for a Philistine (*ProL.*, p. 134), based on II Sam. 6:10 f., where he is called "the Gittite," in truth hailed from Gath Rimmon (Josh. 21:24). - According to Sa'adiah, Introd. to the Psalms (transl. by Cohn in *MWJ* 1881, p. 64) the name *Gittu*, which occurs in the

151) not a free invention of the PC, in the sense that at times it would be guided by tradition (as Kuenen thinks, *Eintl.*, p. 284); because if this were the case, Nob would surely have been listed with the rest of the Levitical cities. Instead of assuming, now, with Wellhausen, that an ancient tribe, called Levi, together with a tribal area, had vanished during the time of the Judges without leaving a trace, and that then, a few centuries later, a priestly class had come about, which, by chance, had adopted this ancient tribal name, we prefer with greater justification, to stick to the identity of the priestly tribe of Levi and to have its territorial possession simply disappear in the course of history. This could have come about unnoticed the easier in the course of time, because, surely, the Levites were never the only inhabitants of such a city, neither would they own the entire city, but would only hold as their heritage the number of houses and pastures they required, whereby the other houses in the city as well as the fields and villages belonging to it would remain the property of the tribes, as these cities were in their territories.<sup>236</sup> - In the time of the Second Temple the priests, who were divided into 24 divisions, were likewise settled in designated cities.<sup>237</sup> In a lamentation [*kinah*] by Kalir, at the basis of which had been an old *haruuta*, which was later lost, dealing with the 24 priestly divisions, almost all 24 *mishmarot* of the priests were named after certain cities. Mentioned are the Jehojaribites as priests of Meron, those of the division Jedaja as priests of Sepphoris, others as priests from Bethlehem, Jotaphat, Arbel, Zefat, Nazareth, etc.<sup>238</sup> The priests apparently lived in these cities together with the other Israelites. The same was probably the case also in the earliest times. The 48 priestly and Levitical cities listed in Josh. 21 testify in this way completely in favor of the idea that a large priestly tribe existed in Israel since the establishment of the theocracy.

---

introductory verses of three Psalms (8, 81, 84), refers to the descendants of this Obed-Edom from Gath. Besides this Gath Rimmon, traces of Levitical cities are found in 1 Kgs. 2:26; Jer. 1:1 (Anathoth); 1 Sam. 6:15 (Beit Shemesh); 1 Kgs. 3:4; cf. 1 Chron. 16:39 (Giv'on); Hosea 6:9 (Shechem).

<sup>236</sup> Cf. Keil on Num. 35:1-8 and 1 Sam. 6:13 ff.; Josh. 21:11 ff.

<sup>237</sup> Cf. Büchler, *Die Priester und der Cultus im letztem Jahrzehnt des jerusalemischen Tempels*, p. 159 ff.

<sup>238</sup> Cf. *MWJ* 1888, p. 179.

## Appendix

*The following essay is found in Hoffmann's "Das Buch Leviticus, übersetzt und erklärt", vol. II, 1906, pp. 254-276. Some references from the text have been moved to the notes. "vol. I, p..." refers to Vol. I of the Commentary. "Vol. II" refers to the volume in which the essay on the Day of Atonement appears. Page references to this volume are those of the German original; additional page numbers in brackets refer to the translation below. My own additional notes are indicated by [...]. Scriptural quotations are taken from "The Holy Scriptures according to the Masoretic Text, A New Translation, etc." (Philadelphia: The Jewish Publication Society of America, 1917).*

### **The Age of the Day of Atonement**

Among all appointed times, fixed by the Law as holy, dedicated to tranquility and the return to the Creator out of the submersion into an epicurian lifestyle, this day on which God grants His people כַּפּוּרִים (*kippurim*: atonement), covering and erasing of all transgressions in the past and on which He calls upon His people to make a new and better start, has probably ranked foremost at all times. The serious character imprinted on this day, the austerity, with which the Law commands its observance, the great blessing that this same day promises to bring, combined with the hedonistic mentality of mankind being tied down, may have resulted in the fact that, just as is the case nowadays, it probably had the effect at all times, that even those who ignored the Law the whole year around, held the commandments that were commanded for this day as holy and inviolate. They would willingly undergo all the hardships for twenty four hours in order to receive a charter for an undisciplined life for the whole year. It is therefore easily understandable that the Prophets, who complained about all kinds of transgressions of the divine Law, did not have anything to complain about as far as transgressions of the Day of Atonement were concerned and therefore usually do not mention this day at all. As it happens, neither is this day mentioned in the historical books of the Bible and any cautious researcher may find this readily understandable, too, as no opportunity presented itself for mentioning this holiday. When we disregard the post-exilic books, we find in the historical books of the Bible, obviously apart from the Pentateuch, that of all the festivals the Feast of Weeks (Shavuot) and the New Year (Rosh Hashanah) are not mentioned at all, Pesach only twice, in the time of Joshua and of Josiah, and the Feast of Booths (Sukkot) only once, during the time of Solomon. And would it have been that the dedication of Solomon's Temple had taken place at any other time than in the seventh month, then there would have been no trace of Sukkot in the pre-exilic books of the Bible either. (This is, if one

would not decide together with many critics, to place Zech. 14:16 ff. in the pre-exilic period). That is why many critics, like Knobel, Ewald, Bleek, Staehelin, de Wette, Schader, and Dillmann, did not dare to question the antiquity of this holiday and draw conclusions from the silence on the Day of Atonement in the extra-Pentateuchal writings in the Bible. It is only in the most recent time that the hypothesis according to which the Pentateuch was only closed during the Exile or later, found favour with most critics, who, following the example of George and Vatke, argued among other things, that the otherwise not mentioned precept about the Day of Atonement could not be pre-exilic.

In Geiger's *Zeitschrift*<sup>1</sup> Wechsler has tried to prove exhaustively and at great length that the Day of Atonement was not known in the time of the First Temple and not even in the time of Ezra and Nehemiah and that the places in the Pentateuch dealing with this subject must therefore be post-exilic in origin. This conclusion met with Geiger's approval,<sup>2</sup> who thereby clearly endorsed the Graf-Wellhausen school. For that reason we do not consider it superfluous to subject the grounds arguing for a late origin of the Day of Atonement to a test and to investigate whether not, on the contrary, it might be demonstrated that this holiday originated in Mosaic times.

We have already observed that we have the right to deny any recognition of proofs from silence, as one, based on this would declare each law on which the other biblical books are silent, to be more recent than these books themselves, and thus be able to reason away the great antiquity of the majority of the laws of the Pentateuch in the easiest manner. Is it not sufficient that the Day of Atonement is mentioned in six places in the Pentateuch? It should moreover be noticed that in one of those places (Lev. 25:9) it is commanded to declare the Jubilee year on the Day of Atonement with horn blasts. As for this reason the law concerning the Jubilee year is closely connected with the law concerning the Day of Atonement<sup>3</sup> the critics feel compelled to dispute the age of the Jubilee-law likewise and to declare this law to be post-exilic as well. In this way all these cases that speak for an early date of the Jubilee-laws become easily included in their attacks.

How little conclusive such proof from silence is, may be shown through an even more startling example than the already mentioned examples concerning Shavuot and Sukkot. The rules concerning the sacrifices were undeniably those Pentateuch laws that were followed by most of the people during the period of the First Temple. And the prophets cannot agitate enough against the mistaken impression of the people that they are doing God a favour by

---

<sup>1</sup> *Jüdische Zeitschrift für Wissenschaft und Leben*, 1863, p. 113

<sup>2</sup> See Geiger's remarks and observations in *Zeitschrift*, 1864/65, p. 179 ff.

<sup>3</sup> The assumption of some of the more recent critics is that Lev. 25:9 as a whole or in part is a later interpolation, will be refuted later on in the Commentary *ad loc* [pp. 327-331].



bringing sacrifices. The bringing of sacrifices is mentioned in countless places in the Bible and yet, until Ezekiel, it is clearly stated in only two places that in earlier days sin offerings were brought as well. From this the later critics claim that the sin offerings were only introduced in much later times. Ps. 40:7 states, however: "Burnt-offering and sin-offering hast Thou not required". But one should not be bothered too much by a psalm. If it does not fit the hypothesis it is relegated to the period of the Exile. Even the text, "the forfeit money, and the sin-money," in II Kgs. 12:17 is falsely explained as referring merely to fines. The prophet Hosea, however, proves categorically the existence of sin offerings in his time. In 4:8 he castigates the priests with the words: "they feed on the sin of My people," but not as the Torah had commanded it (Lev. 10:17), "given it to you to bear the iniquity of the congregation (and make atonement)," but (Hos. 4:8) "and set their heart on their iniquity," which means that they attach their own sins to the soul of the people and in this way multiply its wickedness. From this one observation we see that not only were sin offerings brought, but even, completely in agreement with the rules of the Law, they were consumed by the priests.<sup>4</sup> If then we only find two indisputably pre-exilic notes in the biblical books concerning the sin offerings, that were brought by the thousands during the year, it is small wonder that the Day of Atonement, which occurs only once a year, is not mentioned at all.<sup>5</sup>

Is it then truly so that, apart from the Pentateuch the Holy Scriptures do not speak of the Day of Atonement at all? Certainly those arguing from the assumption that a law concerning this day did not exist before the Exile will not find it mentioned anywhere. Those, however, who maintain that the order of the festivals, in which the Day of Atonement would also take its place, has been in existence since time immemorial, will have no trouble to find in all the places where the prophets speak of the festivals in general terms the Day of Atonement also included among these, even though, like the other festivals, it is not mentioned by name. Thus Saadya Gaon understood Hos. 2:13, חגה חדשה שבחה וכל מועדה (her feast, her New Moon, her Sabbath, and all her appointed seasons) as referring to the three Pilgrimage festivals (חגה) and the other three festivals: the New Year, the Day of Atonement, and the Eighth Day of Assembly (כל מועדה).<sup>6</sup> In the LXX we also found the Day of Atonement, in Is. 1:13 (ἡμέρα μεγάλη, νηστεία great day, fasting).<sup>7</sup> Stronger evidence yet is

<sup>4</sup> See Vol. I, p. 221

<sup>5</sup> Even Josephus (*Ant.* 13, 10, 3) relates an event that, according to the Talmud, took place on the Day of Atonement, without mentioning the festival. Must we conclude from this that then also it had not yet been introduced?

<sup>6</sup> Cf. Kimchi (Radak) on this passage.

<sup>7</sup> According to the massoretic view it is also likely that in the general expressions ומועדיכם, ועצרתה (Is. 1:3-14; proclaim, your appointed times, solemn meeting) the Day of Atonement is included, especially as the three Pilgrimage Festivals were already mentioned in v. 12 under לראות פני (when ye come to appear before Me) and עצרתה likewise seems to refer to a fast-day (cf. Joel 2:15). Which way the LXX phrased this verse is not entirely clear. Following Graetz (*Monatschrift für Geschichte und Wissenschaft des Judentums*,

found that Ezekiel speaks of the Day of Atonement, even if he does not mention it by name. For Ez. 46:11 states: "ובחגים ובמועדים ההיה המנחה וגו'" ("And in the feasts and in the appointed seasons the meal-offering [shall be]", etc.) after the preceding verses 3-6 spoke of the Sabbaths and New Moons. In 45:17 the prophet further instructed that on the חגים (festivals, the new moons, the Sabbaths, and for that matter, on all מועדים, appointed seasons, the Nasi should prepare the sin-, meat-, burnt-, and peace offerings. From these places it becomes evident that Ezekiel, apart from the Sabbaths, New Moons and Pilgrimage festivals (חגים) also knew of מועדים. Now, all the festivals that are specified in Lev. 23 are called מועדים, however, only three of them, namely Pesach, Shavuot and Sukkot are at the same time also called חגים and are called that already in the Covenant Book of Exodus (23:4-16, 34:18, 22). Ezekiel, too, indicates the Pesach and Sukkot festivals as חג (45:21, 23:25). He does not speak of Shavuot and must therefore have counted it among the חגים, just as the admittedly oldest parts of the Torah law call it חג. Since Ezekiel, besides the חגים also knows of the מועדים and mentions them, then it is possible that he means the New Year and the Day of Atonement (perhaps also the Eighth Day of Assembly: עצרת), just as this prophet, with the words "and fill both thy hands with coals of fire" (10:2) refers to a passage (Lev. 16:12) concerning the laws of the Day of Atonement. That in the same passage in Ezekiel, "the man clothed in linen" hints at the high priest on the Day of Atonement, has already been noted above.<sup>8</sup>

Is. 58 explicitly mentions the יום צום (fast day) which should be understood as the Day of Atonement. Sachs<sup>9</sup> remarked rightly that this chapter contains a speech held by the prophet before the gathered people on a Day of Atonement of the Jubilee Year. This day carried double obligations with it: the first with regard to God: fasting and resting, the other with regard to one's fellow man: releasing of slaves and return of purchased property. The commandment of fasting was strictly observed by the people, but stinginess and greed kept most people from keeping the other commandments. Had on the one hand a loud horn blast given the signal of freedom throughout the land, on the other hand oppression and tyranny ruled everywhere. Then God speaks to His prophets whom He had annointed following 61:1 לקרוא לשבויים דרור (to proclaim liberty to the captives),<sup>10</sup> לקרוא שנת רצון (to proclaim the year of the Lord's good pasture).<sup>11</sup> To this one of His prophets does God speak: כשופר

1886, p. 195) it reads צום ועצרה (a fast-day and solemn assembly) at the end of v. 13. Perhaps the word און (iniquity, trouble) was understood as ענוי (fast).

<sup>8</sup> See Vol. I, p. 440

<sup>9</sup> *Keren Hemed* VII, p. 124

<sup>10</sup> Cf. וקראתם דרור (Lev. 25:10).

<sup>11</sup> Ewald (*Alterth.*, 2nd ed., p. 424) and others as well, see in this verse an allusion to the Jubilee laws and evidence that it clearly formed part of the reality of the worthier segment of the people.

הַרִים קוֹלְךָ - like that *shofar* (horn), the tone of which just sounded without making an impact, raise your voice, לַהֲגֹד עִמִּי פִשְׁעֵם in order to inform My people of their crimes. The prophet explains then to the captive multitude that with merely fasting God's will is not carried out and that following this, one should not expect salvation and deliverance from His side, but that apart from fasting the other obligations that are demanded for this day should be fulfilled as well. (Is. 58:6), "is not this the fast that I have chosen? To loose the fetters of wickedness, to undo the bands of the yoke, and to let the oppressed go free, and that ye break every yoke? Is it not to deal thy bread to the hungry, and that thou bring the poor that are cast out to thy house?"

Indeed, already preceded by Geiger,<sup>12</sup> the newest critics had declared Is. 58 to be post-exilic, but however far one pushes this period back (like Duhm, who dates it in Nehemiah's time), then the fact that this passage is aware of the Day of Atonement still shows the impossibility of the conclusion derived from the fact that Neh. 8 ignores the Day of Atonement. Furthermore, as already noticed in Is. 61:12, which belongs to a much earlier period<sup>13</sup> anyhow, the Jubilee year is hinted at; but the Jubilee laws depend on those of the Day of Atonement. It should further be noticed that the paragraph preceding chapter 58,<sup>14</sup> which speaks of worship existing among the Israelites, seems to be pre-exilic rather than belonging to a later period, and thus it is nothing but a dogma of the critics standing in the way of the above attempt to place Is. 58 in pre-exilic times and for this we should accept the earlier mentioned opinion of Sachs. But it is highly probable that the prophets since Josiah's rule aimed at realizing observance of the Mosaic law with all its requirements as well as with regard to the Jubilee precepts, at least by the worthier of the people.

Wechsler,<sup>15</sup> however, claims to have found clear indications that the Day of Atonement was not known during the whole era of the First Temple as well as during the time immediately following the Exile. We will consider these clear indications, the first one of which should be found in I Kgs. 8:65 - "Solomon gathered all of Israel for the dedication of the Temple. The feast lasted fourteen days, in which time the ceremony of atonement occurs which was not celebrated" [D.Z.H.'s transl.]. But where does it say in Scripture that the atonement ceremony was not celebrated? It is not mentioned that one specific day was at the same day celebrated as the Day of Atonement! Scripture, however, did not deem it necessary to mention this, just as during this dedication ceremony which lasted a fortnight, the Sabbath

<sup>12</sup> See Geiger, in *Urschrift und Übersetzungen der Bibel*, etc.

<sup>13</sup> Cf. Baudissin, *Eint. in A.T.*, p. 395

<sup>14</sup> Is. 56:9 - 57:13.

<sup>15</sup> See Geiger's *Zeitschrift*, 1863, p. 113 ff. [B. Wechsler, "Zur Geschichte der Versöhnungsfeier," *Jüdische Zeitschrift für Wissenschaft und Leben*, 1863, pp. 113-125.]

was celebrated twice. And just as Scripture assumes that its readers are aware that the Sabbath occurs every seventh day, so it may assume that everyone knew the Day of Atonement. And neither is there in Scripture any indication at all that the atonement ceremony was not celebrated.<sup>16</sup> Only R. Yochanan in *Mo'ed Qatan* 9a states: "In that year Israel did not observe the Day of Atonement," but the Talmud also says only that they did not observe the fast, because "there is no joy without eating and drinking," but that they did keep the other precepts related to the day. Concerning the fast on that Day of Atonement, we do not have to agree with aggadic statements in the Talmud; we may assume with Abrabanel that they did indeed celebrate the dedication on the Day of Atonement in the sense that they brought festive sacrifices, but they would not eat on this day.<sup>17</sup> But when we follow the opinion of the Talmud, we can also assume on reasonable grounds presented by the Talmud, that in that year on the Day of Atonement people did eat, because through a קל וחמר [i.e. an inference from minor to major] it was decided that the dedication sacrifice could be consumed even on the Day of Atonement.

Another indication should be even more important and conclusive. In Neh. 8 we read that on the second day of the seventh month Ezra read the Torah before a gathering and found it written there that Israel should live in booths and based on this Sukkot was celebrated. And what, so asks Wechsler, with regard to the Day of Atonement? Only Herzfeld<sup>18</sup> noted previously that this passage proves too much and therefore nothing at all. Then, at least, the Chronicler must have known the Day of Atonement, as he, as the last Redactor of the Books of Ezra and Nehemiah, would certainly not have refrained from mentioning that the Israelites also observed the Day of Atonement, when such observance would have been absolutely necessary. Only, this seemed completely unnecessary, just as it was not reported that the Israelites observed the Sabbath then. It is merely related that this time they made themselves booths and celebrated the festival with special joy. The reason for this emphasis is described in Neh. 8:17 (lit.: "for since the days of Joshua the son of Nun...the children of Israel had not done so"), because since the days of Joshua they had not celebrated Sukkot in such a way. The observance of the Day of Atonement, which was certainly kept during the Exile as well as in earlier times, is therefore not mentioned at all. Moreover, we already showed,<sup>19</sup> that the laws concerning the festivals of New Year, the Day of Atonement, and Sukkot in Lev. 23 are closely connected, in such a way that in the Torah of Ezra, who read about Sukkot, inevitably also the laws of the New Year and of the

<sup>16</sup> That the joyful celebration of the Temple dedication was not irreconcilable with the atonement ceremony may be proven from the fact, that during the time of the Second Temple a popular festival with joyous dance coincided with the Day of Atonement (cf. *Mishna Ta'anit* IV, 8. Also, *Hamagid* 1876, p. 343).

<sup>17</sup> See also Ibn Ezra on Num. 7:48.

<sup>18</sup> *Geschichte des Volkes Israels*, Vol. I, p. 433.

<sup>19</sup> Vol. II, p. 206, note 1.

New Year and the Day of Atonement must have been mentioned.<sup>20</sup>

In conclusion a third passage would testify to the recent origin of the Day of Atonement. Even the prophet Ezekiel would not have heard about it yet! This is concluded from the following passage. Ez. 45:18-20 says: "Thus saith the Lord God: in the first month, in the first day of the month, thou shalt take a young bullock without blemish; and thou shalt purify the Sanctuary. And so thou shalt do on the seventh day of the month for every one that erreth, and for him that is simple, *מֵאִישׁ שֶׁגָּהַ וּמִפְּתִי*; so shall ye make atonement for the house." George<sup>21</sup> already concluded from this passage that Ezekiel does not know about the Day of Atonement, which is in the Pentateuch, and therefore designates the first and seventh of Nisan for the cleansing of the Sanctuary, that according to the Pentateuch should take place on the Day of Atonement. Wechsler<sup>22</sup> adds to this that the seventh of Nisan was set apart for a higher atonement observance, to cleanse those who sinned out of error or temptation, *מֵאִישׁ שֶׁגָּהַ וּמִפְּתִי*, and this took place on the seventh day of the month, because the first day, as the New Moon, was already a festival day by itself. The opinion that Ezekiel was not yet acquainted with the Day of Atonement is supported by all those who declare the laws in Ezekiel for older than those of Leviticus in the Torah. Against this we want to prove first that perforce Ezekiel knew of the Day of Atonement. The fact that the opinion that Ezekiel wanted to arrange for an atonement ceremony on the first and seventh of Nisan, which is held by George and the other critics, is totally mistaken and does not need proof as anyone can convince himself of this by reading the preceding verse. In Ez. 45:17, namely, it is commanded that on Sabbaths, festivals, even on New Moons, the Nasi (i.e. the high priest, following Rashi) will bring all festive sacrifices: the sin offering, the meal offering, burnt offering and the peace offering. And each time when Ezekiel speaks of Sabbath-, festival-, or New Moon sacrifices, he does not forget to instruct that the Nasi should prepare the sacrifice. Just compare Ez. 45:17, 22-25 and 46:4-7. Now, however, concerning the young bull that is brought on the first and seventh of Nisan for the cleansing of the Sanctuary, it is not commanded that the prince should prepare the sacrifice. It is specified there (45:19) *וְלִקַּח הַכֹּהֵן* - just any ordinary priest should prepare this sacrifice. Thus it is impossible that with this sacrifice either a higher or a lesser atonement observance was intended. The new as well as the old Ezekielian Day of Atonement is purely a figment of the critics' minds.

That the prophet Ezekiel knew of the old Day of Atonement from the Torah, however,

<sup>20</sup> It is anyhow incomprehensible how one wants to prove from this account in Nehemiah that the law about the Day of Atonement was not yet mentioned in the Torah. Then, even if admitted that in those days the Day of Atonement was not observed, it is possible that the reason that, based on Lev. 16 it was then believed that observing the Day of Atonement was conditional on the presence Ark of the Covenant in the Sanctuary.

<sup>21</sup> *Die ältern. jüd. Feste*, p. 299.

<sup>22</sup> Wechsler, p. 117.

can be proven with certainty. He knows of and expressly mentions the Jubilee year. In Ez. 46:17 it says: "if he [the *nasi*, prince] give of his inheritance a gift to one of his servants, it shall be his to the year of liberty (שנת הדרור); then it shall return to the *Nasi*" (see also Ez. 7:12 ff.). The year of freedom is obviously no other than the Jubilee year, of which the Pentateuch commands (Lev. 25:10): "and you shall procure liberty (דרור) throughout the land unto all its inhabitants." Ezekiel cannot have another year of freedom in mind as there is no reference anywhere else to one such year and the expression דרור (freedom) already reminds one of the Jubilee year.<sup>23</sup> But Ezekiel does not just mention the Jubilee year. He, moreover, counts according to Jubilee cycles. Ez. 1:1-2 says about the five years after the captivity of King Jehoiachin: "it came to pass in the thirtieth year." It is not stated here according to which era is being counted. Scaliger, Rosenmüller, etc., consider this date as belonging to a fabricated era of Nabopolassar, which is neither mentioned in Scripture nor by secular writers anywhere. Ideler, Haevernik, etc., have rightfully rejected this explanation, but their assumption that here the count is started from the year of Josiah's reform, too, is untenable, even though it finds support in Targum Jonathan, as we do not find evidence anywhere for a count according to eras of reformation. Therefore we must assume, as do *Seder Olam*, Rashi, Kimchi, etc. that in this case there is mention of the thirtieth year of a Jubilee period. This opinion is confirmed from other sides. In Ez. 40:1 we find support for this dating: "In the five and twentieth year of our captivity, in the beginning of the year, in the tenth day of the month, in the fourteenth year after the city was smitten." The assertion to start the count on the tenth of the month is unprecise and unclear. Despite the explanation of many interpreters to the contrary, we should accept the explanation of the Talmud (Arachin 12a): "which year is it of which the start is on the tenth of a month? That is the Jubilee year." This year is, following Lev. 25:10, inaugurated with horn blasts on the tenth of the seventh month. In this verse it is also indicated that the twentyfifth year of the captivity of King Jehoiachin was a Jubilee year or the fiftieth year after the previous Jubilee year. If, however, the twentyfifth year of the captivity were the fiftieth year after the Jubilee, then the fifth year of the captivity was the thirtieth after the Jubilee, and the explanation of the statement in Ez. 1:1 is herewith confirmed. We find a further verification in the dating as related in Jer. 28:1, "And it came to pass the same year, in the beginning of the reign of Zedekiah king of Judah, in the fourth year." Kimchi had already determined correctly that it concerns the fourth year of a Sabbatical cycle.<sup>24</sup> The beginning of Zedekiah's reign,

<sup>23</sup> "To understand the שנת הדרור as a seventh year (Kuenen, *Godsdienst* I 96, Wellhausen) is sheer arbitrariness" (Dillmann, *EL* 3, p. 464).

<sup>24</sup> In agreement with this is also that the eleventh year of Zedekiah was again a Sabbatical year, which follows from Jer. 34:8 ff. and 32:1.

however, coincided with the captivity of Jehoiachin (II Kgs. 29:15-17). If Jehoiachin was led into captivity in the fourth year after the Sabbatical year, then this third year of his captivity was a Sabbatical year again, and the fifth year of the captivity was the second after this Sabbatical year. The assertion that, from the beginning of his book, Ezekiel counts according to the Jubilee cycles, is also supported from all sides. It is therefore beyond all doubt that Ezekiel knew of the Jubilee laws and must also have known of the Day of Atonement which is contingent upon the former. It has further-more already been shown that Ezekiel must have had the Day of Atonement in mind when referring to מוֹעֲדִים. The fact that this prophet does not mention the Day of Atonement in his listing of the individual festivals, does not prove anything as he does not mention Shavuot either, even though it has already been mentioned in the Book of the Covenant (Ex. 23).<sup>25</sup>

With regard to the atonement observance of Ezekiel, we have already shown<sup>26</sup> that this did not take place on the first and seventh of Nisan but rather on the first of Nisan and the first of Tishri, as a preparation for the important festivals that occur in these months. We should not be too amazed by this. It would be wrong to think that the Pentateuch commands the cleansing of the Sanctuary only once a year, namely on the Day of Atonement. That day, however, is intended to realize the most complete cleansing. At that occasion not only the Sanctuary, but also the Holy of Holies<sup>27</sup> is cleansed. According to Lev. 4:5-7 and 16-18, however, this same ceremony which takes place on the Day of Atonement in the Sanctuary, should be carried out, each time when the high priest or the entire people of Israel had sinned. In this case the Sanctuary too, and indeed here only the Sanctuary and not the Holy of Holies, must be cleansed through the sacrifice of a bull for a sin offering. Curiously enough, Ezekiel also only speaks of a cleansing of the Sanctuary (45:18) or the House (45:20), but does not mention especially that the Holy of Holies was also cleansed, although he differentiates with precision between the Sanctuary and the Holy of Holies and calls the latter קֹדֶשׁ הַקְּדָשִׁים (41:4) [vs. מִקְדָּשׁ for Sanctuary]. Neither does he instruct the blood of the sacrifice to be carried into the Holy of Holies as is stipulated for the Day of Atonement (Lev. 16:4-15). Ezekiel's precept, according to which each time on the first of Nisan and the first of Tishri a bullock should be sacrificed as a special sin offering for cleansing of the Temple, is, according to the current discussion, probably based on the Torah law in Lev. 4:3-21. Both the months of Nisan and Tishri were at the head of a year, the former introduced after the giving of the Law (Ex. 12:2), the latter<sup>28</sup> was already the New

<sup>25</sup> Cf. Grätz, II, 1, p. 474.

<sup>26</sup> Vol. II, p. 183, note 2.

<sup>27</sup> Cf. Ex. 30:10, Lev. 16:16 ff.

<sup>28</sup> As already noted above, Vol. II, p. 424 ff.

Year's day before the Law was given and remained later, as the beginning of the economic year, Rosh Hashanah, with regard to various laws. In both months, too, important festivals take place. And because it may be assumed that in the course of the year the high priest as well as the entire people sinned at least once out of negligence, it is stipulated in Ezekiel that, in accordance with the law in Lev. 4:3-21, at the beginning of the year a bull should be sacrificed as a sin offering for this kind of transgression. On the first of Nisan, probably, the atonement offering for the high priest was brought (cf. Lev. 4:3-12), while on the first of Tishri the atonement offering for the entire people was brought for those who sinned out of negligence and temptation (מַאִישׁ שׁוּגָה וּמִפֶּחַי - Lev. 4:13-21).<sup>29</sup> On the Day of Atonement it is different: then not only sins out of negligence and temptation but also intentional sins and transgressions should be atoned for (Lev. 16:16, 30, 31) and the blood of the sin offering should be brought into the Holy of Holies (Lev. 16:14-15, 33). The two instances of cleansing of the Temple in Ezekiel have no relation to the laws concerning the Day of Atonement in the Pentateuch.<sup>30</sup> With our supposition we have of course not yet established that there is complete agreement between Ezekiel and the Pentateuch; it is sufficient, however, to have furnished evidence that the laws in Ezekiel are modelled and based on those in the Pentateuch. Nevertheless, the differences between Ezekiel and the Torah are many. This had already been observed long ago and for this reason it was considered to take this prophet's book out of circulation and delete it from the Canon. However, Chananiah ben Hizkiah explained Ezekiel in such a way that any offence was removed (Shabbat 13b). Unfortunately Chananiah's commentary has not been preserved and we must be satisfied to have somewhat toned down the contrasts between Ezekiel and the Pentateuch.

Since we have not found a clear indication anywhere that the Day of Atonement was not observed in ancient times and precisely the prophet Ezekiel, who was considered to show the clearest signs of ignorance concerning the Day of Atonement, turns out to be a source not only on the availability of the laws on the Day of Atonement but also on the origin identical Jubilee laws, we will now turn to an examination of the Day of Atonement in the Pentateuch.

We may consider the word כַּפֶּרֶת (*kapporet*), which describes the covering of the Ark of the Covenant as the first indication for the Day of Atonement (יום כַּפֹּר). We have shown already<sup>31</sup> that the covering of the Ark of the Covenant is called כַּפֶּרֶת because on it the most

<sup>29</sup> See also Menachot 45a, in which Ezekiel's sin offering is viewed as מִן הָעֵלָם דָּבָר שֶׁל צָבוּר [The Soncino ed. of the Bab. Talmud renders the issue Hoffmann refers to in the following passage: "For everyone that erreth and for him that is simple", this teaches that they are liable only of the ruling (of the Beth Din was made) in ignorance and the transgression (of the community) was committed in error"].

<sup>30</sup> Cf. Vol. I, p. 436.

<sup>31</sup> Cf. Vol. I, p. 458.



important act for attaining atonement on the Day of Atonement takes place. On this day the high priest would enter the Holy of Holies. He would bring an offering of incense: "that the cloud of the incense may cover the כפרה" (Lev. 16:13), then he would take of the blood of the bullock and sprinkle it once upon the כפרה and seven times before the כפרה, and this he would repeat with the blood of the goat of the sin offering (v. 15). This act of making atonement was performed only once a year, on the Day of Atonement, and was important enough to have the name of the object in front of which it took place to be derived from it: כפרה. Based on this the Holy of Holies is called ביה הכפרה (atonement house) in the Book of Chronicles, because it was entered only once a year in order to attain atonement, next to the כפרה, and this was one of its most important purposes. Thus we have in the כפרה definitely a mighty witness from Mosaic times for the origins of the Day of Atonement.

The Day of Atonement is further explicitly mentioned in Ex. 30:10 together with the commandment of making the Golden Altar. It says here: "And Aaron shall make atonement (וכפר) upon the horns of it once in the year; with the blood of the sin-offering of atonement." This short note on a verse that does not expressly deal with this festival is for this reason so important that here it definitely is impossible to think of a later interpolation, as later generations did not find any reason here to suspect interpolation. Wechsler is therefore absolutely misleading, when he asks naively why the Day of Atonement is not mentioned at all in Exodus and Deuteronomy, while he himself later on quotes Ex. 30:10 which clearly speaks of this festival. The question remains then, why Deuteronomy does not mention the Day of Atonement. Would this then be the only law of the Torah that is not repeated in Deuteronomy? The laws concerning the menstrual period (נדדה), the nazirite (נזיר) and the adulteress (סוטה), many marital laws, and even the important law on circumcision (פיליה) are not mentioned in Deuteronomy. Of all the holy appointed times only the three Pilgrimage festivals<sup>32</sup> are repeated and in the Ten Commandments the Sabbath. Of the others Deuteronomy does not speak, not even of the New Moon, which, every one agrees, was already observed in the most ancient times. But even more! A whole paragraph in Deut. (15:1-11) deals with the seventh (Sabbatical) year, without mentioning at all that the fields should lie fallow in this year, even though this law is already recorded in the Covenant Book of Exodus (23:10-11). From all this we see that Deuteronomy presupposes the laws of the earlier books of the Pentateuch and that therefore the question why a certain law is not found in Deuteronomy is unjustified and that the opinion to declare the laws that are missing

<sup>32</sup> These festivals are repeated in Deuteronomy because they are to be observed in the Temple and Deuteronomy wants to emphasize the unity of the sanctuary (cf. Ranke: *Untersuchungen über der Pentateuch* II, p. 374, and above, p. 118). Just as the Covenant Book of Exodus (chs. 23 and 24) only gives instructions concerning the three Pilgrimage Festivals (cf. Graetz, *Gesch.* II, 1, p. 473).

in Deuteronomy younger is totally mistaken. From Exodus we move on to the classic passages about the Day of Atonement, Lev. 16; 23:26-32 and Num. 29:7 ff. We have shown already <sup>33</sup> that Lev. 23 was revealed to Moses before Lev. 16. Of the three main passages dealing with the Day of Atonement, Lev. 23:26-32 was revealed first on Sinai, then Lev. 16 followed after the death of Aaron's two sons, and finally Num. 29:7-11 during the forty years in the desert, shortly before the death of Moses. Based on this assumption, the charges that had been laid on Lev. 16 from many sides may be dismissed. Ewald <sup>34</sup> remarked that the portrayal in Lev. 16, only from v. 29 on, definitely turns to a festival of the Day of Atonement, while based on the opening words in v. 1, one would expect something else and because v. 1 hints at the great defilement of the Sanctuary that was caused by the guilt and death of the two priests, it seems that in Lev. 16:34 a similar cleansing ceremony for such an instance is commanded. Wechsler <sup>35</sup> goes even further. He says that Lev. 16 is "a totally unnatural and strange chapter." The first part of the chapter until v. 29 speaks of an atonement ceremony, but the text is silent on the reason why and at which occasion it was performed. Only from v. 29 on do we find the precepts for this ceremony to be an annual event taking place on the tenth of Tishri. It is assumed that this part of the chapter and the first one are only loosely related. On p. 124 he asserts that the context of the first part of Lev. 16 leads to the assumption that there, like in Ezekiel, an atonement observance in Nisan is spoken of. According to what we explained above, <sup>36</sup> this last assumption loses all ground, and it should obviously be discarded. That it is still considered wrong that Lev. 16 until v. 29 speaks of an atonement ceremony without time specification while only in this and the following verse it is explained when this ceremony should take place. That this is considered peculiar results from a misreading of the fact that Lev. 16 does not form the main passage on the law concerning the Day of Atonement, but only a supplement to the principal law in Lev. 23. That in the Torah this supplement precedes the principal law is due to the fact that it is connected with the consecration of the Tent of Meeting. The sacrificial precepts for the Day of Atonement in Lev. 16 have with the corresponding sacrificial laws in common that there the other precepts applying to this day are briefly repeated: it differentiates also in form from Num. 29:7 ff. The latter complementary law was directly handed down. A short repetition of the laws concerning the Day of Atonement (Num. 29:7) form an introduction, followed by the sacrificial precepts: "ye shall present, etc." (vv. 8-11). The sacrificial law in Lev. 16, however, is not

---

<sup>33</sup> See above, p. 119 ff.

<sup>34</sup> *Alterth.*, <sup>2</sup>, p. 402.

<sup>35</sup> Wechsler, p. 121.

<sup>36</sup> Cf. Vol. II, p. 261 ff. [p. 131 ff.]

prescribed as a direct commandment, but only for the purpose to limit a general ordinance issued in the wake of the sudden death of the two sons of Aaron. After the death of his two sons Aaron was commanded "that he come not at all times (בכל עת) into the holy place". As already mentioned <sup>37</sup> these words may be translated, following Nachmanides: that he should under no circumstance enter the Sanctuary. This is further clarified by Sifra, which says: בכל עת זה יום כפורים, i.e., that the High Priest would at no time, not even on the Day of Atonement, enter the Holy of Holies. This general prohibition was then limited in such a way (v. 3 ff.) that it was permitted to enter the Holy of Holies in order to carry out the great atonement. The vv. 3-28 therefore form a necessary introduction in which the process of atonement is fully described. Verses 29 ff. define that this atonement ceremony should take place every year on the tenth of Tishri on which day one should also observe a fast and refrain from work. If we understand the chapter in this way, we will find nothing strange or, even more so, nothing unnatural and we discard the assumption of Ewald and Wechsler as being totally without foundation. <sup>38</sup>

The atonement on the Day of Atonement is referred to indirectly in two more places that were not noticed by the critics: but for that reason it became possible to declare them to be later interpolations. In Num. 18:7 God commands Aaron: "thou and thy sons with thee shall keep your priesthood in everything that pertaineth to the altar, ולמביח לפרכת (and to that within the veil)." Those last two words refer to nothing else than the atonement on the Day of Atonement (cf. Lev. 16:2, 12, 15), something which had already been recognized by the early commentators. This passage in Num. presupposes necessarily the stipulations in Lev. 16. The same is the case in Lev. 21:23, in which אל הפרכת (unto the veil) refers to Lev. 16. <sup>39</sup>

Now, the last passage in the Pentateuch in which the Day of Atonement is referred to remains to be regarded: the very verse in which the Day of Atonement is connected with the Jubilee law. It says in Lev. 25:8 ff.: "And thou shalt number seven sabbaths of years unto thee, seven times seven years; and there shall be unto thee the days of seven sabbaths of years, even forty and nine years. Then shalt thou make proclamation with the blast of the horn on the tenth day of the seventh month: in the day of atonement shall ye make proclamation with the horn throughout all your land. And ye shall hallow the fiftieth year, and proclaim liberty throughout the land unto all the inhabitants thereof; it shall be a jubilee unto you." The proclamation of the Jubilee year on the tenth of Tishri is based on an

---

<sup>37</sup> Cf. Vol. I, p. 438.

<sup>38</sup> Cf. for this also above, Vol. I, p. 435 ff. and 459 ff.

<sup>39</sup> See above, Vol. II, p. 98.

ideological link between this commandment and the atonement ceremony.<sup>40</sup> The year was certainly not to begin only on the tenth of the month but already on the first. It was, however, not publicly proclaimed until the Day of Atonement. This day, on which the people hoped to repair their relationship with God which had been damaged by their sins and transgressions, was considered to be most suitable to be the day on which through loud horn blasts the great restoration would be announced, which would re-establish the original relations between the members of God's people, the personal freedom for all and equality of property in order that the many liberated forces would be committed to the worship of the one and unique God.

The Jubilee law determines all of Lev. 25: in case of the sale of houses, of fields, of people to Israelites and non-Israelites - all these would be redeemed in the Jubilee year. But also all property that had been sold before would be redeemed [גאָל] by the seller or his closest relative גאָל [go'el = redeemer]. This latter institution is not a mere dead letter in the Law Code, but grew deep roots in the life of the people as is clearly shown by the whole Book of Ruth, Jer. 35 and Ez. 7:12 ff. Furthermore, the regulations of Lev. 27<sup>41</sup> that were mentioned in the Torah in the time of Jehoash according to II Kgs. 12:5, correspond to the Jubilee laws. Finally, the Jubilee is also mentioned in Num. 36:4. There, the heads of the tribe of Manasseh are complaining that because of the law by which the daughters of Zelophehad are the legitimate heirs of their father, eventually the inheritance of Manasseh would suffer a loss which would become official through the Jubilee law and become sanctioned by that forever. This last verse proves at the same time that the Jubilee law dates back to Mosaic times. The account in Num. 36 in which the names and lineage of the five daughters of Zelophehad are given and which, besides, is closely connected with Num. 27:1-11 and Joshua 17:1-6 is so obviously historical that only the prejudice against the PC could call the historicity of this account into question.<sup>42</sup> Any unbiased person would conclude from the above that the Jubilee law already existed in the time of Moses. Moreover, Bleek<sup>43</sup> already emphasized that in a later stage after the conquest of the land, when the property relationships were already consolidated, nobody would have come up with the idea to promulgate a law with such contents that would have implied so many problems for its

---

<sup>40</sup> Wechsler himself says (ad loc., p. 123) the following: "the proclamation and beginning of the Jubilee year is connected here (Lev. 25:9 ff.) with the observance of the Day of Atonement. The ideological link is noted immediately. They both imply the deepest introspection, the most unconditional devotion and renunciation of subjectivity. For the sake of liberty, the equality, for the mitigation of the contrasts and determination of fate, the Jubilee law requires the possession of such a high degree of devotion and self-renunciation, such a great trust in God - in two succeeding years there will be no sowing and no reaping - that even the culminating point of the developing religion of Israel was not sufficient to put this demand into practice..."

<sup>41</sup> Lev. 27:17, 18, 21, 23, 24.

<sup>42</sup> Cf. also Graetz, *Monatschrift* 1886, p. 236.

<sup>43</sup> *Einl.*, p. 280.

implementation. In addition to this, before the conquest of the Holy Land no human legislator would ever have thought of promulgating such a law in which, among other things, it was also decreed that for two years in a row it would be forbidden to sow and to reap. Only the One who could say: "I will give you My blessing so that the produce of one year will be sufficient for three years," only He could give such a law which would appear impractical to the human intellect. And He gave them, even though He knew that people would not observe them for a long time. The time will surely come when these laws will be reinstated in their totality. The beginning of this future time is, odd as it may seem, predicted by the prophet Isaiah using the image of a Jubilee year. In conjunction with the Day of Vengeance (יום נקם) as being fixed by God, in Isaiah a Year of Recompenses, a Year of Compassion [lit.: an acceptable year to God], or a Year of Redemption <sup>44</sup> always appears. In the Pentateuch (Deut. 32:43) this day of Vengeance is linked to great atonement in which God Himself makes expiation for His Holy Land and His people (וּכְפַר אֶדְמָתוֹ עִמּוֹ).

We saw that the law concerning the Day of Atonement, unlike hardly any other law in the Pentateuch, is repeated several times and moreover, that other laws are connected with it. The authentic history has testified that these laws have partially been practiced by the people at all times, and that finally a monument from Mosaic times, the כְּפָרָה <sup>45</sup> testifies to the existence of the laws of the Day of Atonement. By the same token, a historical account which cannot be doubted, testifies to the existence of the law of the Jubilee year. These are, however, not the only proofs for the Mosaic origin of the laws concerning the Day of Atonement and the Jubilee year. When we consider these laws both as to their content and to the form in which they have been described in the Torah, then we will be even more convinced that we are dealing here with Mosaic laws (תּוֹרַת מֹשֶׁה).

If we first take into account the content of these laws, we will find that they are closely connected to the other holy seasons that were established in Israel by God through Moses. The laws concerning the holy seasons are homogeneous. They are all based on one idea and dominated by one form. Israel will acknowledge God as Creator and Sustainer of the world through the observance of the holy seasons and at the same time testify that it is the same God who has chosen Israel as a priestly nation and that He jealously guards and sustains His people. As to the form, all the holy appointed times are standardized according to the number seven. The first principle of such appointed times is the weekly Sabbath, which has as its basis the history of the Creation. Just as God created the world in six days and rested on the seventh day, so should Israel divide time in small cycles of seven days

<sup>44</sup> Cf. Is. 34:8, 61:2, 63:4.

<sup>45</sup> The view of Graf (and his school) who denies the existence of the Tent of Meeting, is not considered here; its refutation will follow at a later place.

and on every seventh day cease from creating and working and bring, as it were, all his energy as a sacrifice to God. The concept of the Sabbath is further applied by modelling its rest of each seventh day on each seventh year in which a rest for the soil and the earth of the Holy Land is prescribed. The period of seven years becomes a "week of years" and the seventh year becomes a Sabbatical year. Finally, the longest period of seven Sabbatical years, will bring the greatest Sabbatical year which will return the property which had been moved within this cycle to its original position. The weekly Sabbath should bring rest to the individual person, the Sabbatical year should bring rest to the soil of the Land, and the Sabbath of "year weeks" should bring rest to the whole property of the whole nation.

Just as the purpose of the Sabbath is an acknowledgement of God as Creator and Master of the World, so should the festivals bring awareness of Him as leader and sustainer of Israel and by the same token, the Pesach festival, being the date of birth of Israel as a people, constitutes the principle of a second category of holy appointed times which Israel as a people should observe. Some of these holy appointed days have a certain Sabbath character, which is why they are also called Sabbaths, but only Sabbath of Israel.<sup>46</sup> The number of these Sabbaths is seven in each year in accordance with the holy number seven: the first and last days of Pesach, Shavuot, the New Year, the Day of Atonement, the first day of Sukkot and the Feast of Assembly (שמני עזרה). The number of seven sabbath-holidays shows us that they all originate from one law. All these holidays that are part and parcel of this second category of festivals are dedicated to joy.<sup>47</sup> The greatest season of joy, however, should be the Festival of the Ingathering of the Fruits, lasting for eight days, which occurs precisely in the seventh month after the beginning of the first festival of the year: Pesach. Just as Shavuot occurs seven weeks after Pesach. The seventh New Moon should already be distinguished above all the other ones as holier. The greatest festival of joy which is observed in this month should however be prepared by the Day of Atonement on which man's guilt of the past year will be annulled and on which day he can look forward to being reconciled with his God. If both the Jubilee year and the Day of Atonement together with all the other holy appointed times constitute a uniform plan of salvation, then we will necessarily have to accept that all of them have been arranged by one legislator and at the same time. And this time can be no other than the Mosaic one.

The description of the laws, both concerning the Day of Atonement and the Jubilee year is above all portrayed in such a way as one should expect from a legislation of the Mosaic era. Not only that nowhere else do we find even the slightest trace of a later time

---

<sup>46</sup> See above, Vol. II, p. 212 ff.

<sup>47</sup> Cf. Deut. 16:11, 14; Neh. 8:9-11; Mishna Ta'anit iv:8.

frame, which would have necessarily been the case if the passages concerned had been composed in a later time. The circumstances and relations that form the background of those laws are those of the Israelites in the wilderness. The Jubilee law in Lev. 25 is introduced by the sentence: "When ye come into the land which I will give you, etc.," the Day of Atonement is mentioned first at the construction of the Tent of Meeting and its instruments (Ex. 30:10) and the legislation concerning the main sacrifices of this holiday is closely connected with a historical event from the time of the consecration of the Tent of Meeting which no one dares to doubt since it has been ascertained in many places.<sup>48</sup> The relations of the Israelites in the wilderness come to the fore in many aspects of this law. "The tent of meeting that dwelleth with them in the midst of their uncleanness" (Lev. 16:16); God appears in a pillar of clouds above the Ark of the Covenant (16:2).<sup>49</sup> The Israelites live together in an encampment: the one who leads the goat to Azazel has to cleanse himself first before he can enter the encampment. The sin offerings must be burnt outside of the camp and the one who burns them can only enter the camp after he had bathed himself (Lev. 16:26-28). The priest who is in charge of the sacrifices on the Day of Atonement is always Aaron (16:3, 6, 8 ff.), and further, the legislator is necessitated to make arrangements that at a later stage the sacrificial service is carried out by the successor of Aaron in his function of high priest (v. 32). This form of the law can only make sense in the Mosaic period: a later legislator would certainly not have presented the law in this form. Bleek<sup>50</sup> has already pointed out the relevance of the latter reasons for the Mosaic composition of our and many other laws. Even if Knobel<sup>51</sup> and other critics would like to do away with these foundations by stating that even a later legislator would have to choose this form, if he had wanted to point out how certain laws were initiated through Moses, then this is only a shallow pretext which does not in the least invalidate the force of this evidence. If a law is presented as having been given in a certain time by a certain legislator, if moreover, the time of the legislation has been fixed so precisely as is the case here when we use the words "after the death of the two sons of Aaron," if, furthermore, the language, the idiom, and formulation of the law not only favour this fixed period, but also the many expressions and phrases, the authenticity of which stares you in the face, reflect the circumstances of these times, then, if we know all of this, there should be very demanding reasons which would make it plausible for us that a later legislator would have been able to place himself in that time and been able to initiate laws in the name of Moses which would have been so deceptively like the Mosaic ones that even

<sup>48</sup> Cf. Lev. 10:1 ff., 16:1; Num. 3:4, 26:61; 1 Chron. 24:2.

<sup>49</sup> Cf. Ex. 16:10, etc.

<sup>50</sup> Rosenmüller's *Repert.*, Vol. I, p. 1 ff., *St. und Kr.* 1831, p. 492 ff. and *Eintl. ins Alte Test.*, p. 183 ff.

<sup>51</sup> *Commentar zum Pent. und Josua* III, p. 592.

Knobel must confess: "He (the author) complies indeed well with the situation of Moses!" The critics, however, have not been able to bring forward such compelling reasons, least of all, however, for our law and all the other laws connected with ours. That is why one must accept the authenticity of this law. We wonder, moreover, what reason a later legislator could have had to present the laws of the sacrifices concerning the Day of Atonement in such a way as if they had been presented indirectly at a special occasion. Why did he not connect that law with the other laws concerning the festivals? Why does he use at all places the name of Aaron in which case he has to repeat the law for the latter's successor? Why does he use the idiomatic expression *השוכן אתם בהוד פמאהם*, etc., which is not at all necessary for that law and not appropriate for the later period? Why, finally, would the later author of the so-called underlying text have spread the laws of the festivals which had been presented to him in one piece, which necessitated him to repeat their definitions several times? We can only offer an explanation for these occurrences, if we assume that the laws were successively revealed and written down in Mosaic times.

Similarly, the language of our law is such, that it does not betray any signs of youth, more so, this language, just like the one of the entire Torah is one of a kind, the like of which is not found in the other books of the Holy Scripture. We would only like to point out those expressions which we either only find in our laws, or at least are being used there with preference and apparently find their origin there. *ענה את נפש* = to fast; *איש עתי* = a certain person; *ארץ גזרה* = the wilderness (actually: naked land). The difficult, often explained *עזאזל* = Azazel; *נזרים* = unpruned vines; *דרור* = freedom; *לצמחה* = eternally; *גאל* = relative; *עקר* = shoot, branch. These are all expressions, partly *hapax legomena*, the ancient character of which no one can deny and which occur in our laws for the first time. The Pentateuch alone does not yet know the technical expression *צום* (*tsom*) for "fast" and always circumscribes this concept by means of *ענה את נפש*, which is only used here in connection with the Day of Atonement, while the other biblical books, from the earliest to the latest, historical, prophetic and poetic scriptures, use the word *צום* at numerous occasions for "fast."<sup>52</sup> In the books following the Torah, the expression *ענה נפש* is not just used<sup>53</sup> in its meaning of "fast;" only in Is. 58, which speaks of the Day of Atonement and intentionally derives the expressions from the Pentateuch, *ענה נפש* is used parallel to *צום*. The post-exilic writings and the Mishna have transformed the biblical *ענה נפש* = *הענה את עצמו* = to chasten oneself.<sup>54</sup>

<sup>52</sup> Cf. Judges 20:26; 1 Sam. 7:6, 13:13; Joel 1:14, 2:12, 15; Ps. 35:13, 69:11, 109:24; Esther 4:16, 9:13; Ezra 8:23; Neh. 1:14.

<sup>53</sup> *עניתי בצום נפשי*: Ps. 35:13 uses both expressions together.

<sup>54</sup> Cf. Dan. 10:12; Ezra 8:21; Mishna Ta'anit 1:4.



As a result of our research we can now suggest the following. There is not the slightest shread of evidence that the law concerning the Day of Atonement was not observed or was not known before the Exile or even in the first period of the Exile. On the contrary, there are many clear traces that not only the law of the Day of Atonement was known but also the law of the Jubilee year which was closely related to it. The prophets Amos and Isaiah mention festivals in general, whereby in all likelihood also the Day of Atonement is taken into consideration. In Is. 58 and 61 a speech has been preserved which was held on the Day of Atonement and in which a hint to "the year of liberation" is recorded. After that, Ezekiel, who explicitly mentions the Jubilee year and who, when mentioning exact dates, counts according to Jubilee periods, and also elsewhere unambiguously made known that he was well aware of the Day of Atonement. That this prophet would want to arrange for a Day of Atonement in Nisan or elsewhere is a fiction of the critics. Ezekiel rather seems to have wanted to bring atonement offerings for the high priest and for the whole community respectively on the first of Nisan or on the first of Tishri. In the Pentateuch both the Day of Atonement and the law of the Jubilee year are more often repeated than any other commandment. Already at the occasion of the commandment to construct the Tent of Meeting and its instruments the greatest atonement ceremony of the year is being taken into account by calling the object in the Holy of Holies near which atonement is being realized, כפרת, instrument for atonement, and it is mentioned in the passage of the Golden Altar that on the same the blood of the sin offering was sprinkled. The principal law concerning the Day of Atonement is, according to the Pentateuch revealed to Moses on Sinai, just as the law of the Jubilee year. In the course of the next year, at the occasion of the death of the two sons of Aaron, atonement sacrifices are commanded and in the fortieth year of the journey through the wilderness, the general sacrifices for the Day of Atonement. The law of the Jubilee year is used at many occasions in other laws of the Pentateuch and is assumed to be a known fact in a historical account from the Mosaic period. From the connection of the Day of Atonement and the Jubilee year with the other holy appointed times that have been fixed by God through Moses; from the language and idiom of the laws concerning the Day of Atonement and the Jubilee year, just as from the circumstances and relations presupposing the latter, it has likewise been proven that these laws could only have been written down at that time.