TEMPLE AND TORAH:  
SUGGESTING AN ALTERNATIVE TO THE GRAF-WELLHAUSEN  
HYPOTHESIS.¹

BY EDWARD ROBERTSON, D.Litt., D.D.,  
PROFESSOR OF SEMITIC LANGUAGES AND LITERATURES IN THE  
UNIVERSITY OF MANCHESTER.

THE word torah with a small t means in Hebrew, teaching. Torah with a capital T is the name given by the Hebrews to the first five books of the Old Testament or the Pentateuch as scholars usually call them. In the Torah combined with other literary elements are found the earliest traditions and the religious legislation by which the whole lives of the Israelites have been and are controlled. And let me say here that the word translated Lord in our English versions of the Old Testament is the Hebrew word Yahweh. It is used by scholars not for pedantic reasons but to avoid the free use of the name Lord with its deep reverential associations.

It is no part of our purpose to give here a history of Old Testament criticism as it concerns the Pentateuch. The history is well known and its results generally recognised. It suffices to say that since about the year 1878 there has been one hypothesis regarding the composition of the Pentateuch which has dominated all others, and in spite of all attacks is still the regnant hypothesis. According to this hypothesis, with which are associated the names of the German scholars Graf and Wellhausen, the Pentateuch consists basically of four documents: (1) a document known for convenience as J because of its use of the name Yahweh for God, emanating from Judah and dating from about 850 B.C.; (2) a document called E, characterised by its use of the name Elohim for God, emanating from Ephraim,

¹ A lecture delivered at the John Rylands Library on the 12th of March, 1941.
and its date about 750 B.C.; (3) the book of Deuteronomy, called for convenience D, forming the program for Josiah's reform, and composed about that time (c. 622 B.C.) and for that purpose; (4) a document created by or at least under the influence of the exilic priesthood, and hence called the Priestly Code, or P, forming in general the framework into which the other documents were fitted, and composed between 500 and 450 B.C.

The Graf-Wellhausen hypothesis has been attacked most frequently on the point of both the Priestly Code and Deuteronomy, but recent criticism has centred largely on Deuteronomy and its origin. The theory that it was the book found in the Temple and given to King Josiah is not new. It dates back to the period of the Church Fathers when Athanasius was one of the first to suggest it. In 1805 it was revised by the O.T. scholar, De Wette, who, however, introduced the suggestion of forgery since he held that Deuteronomy was a book composed at the time of Josiah, but given the authority of a Mosaic document. It was this conception of Deuteronomy which was incorporated in their scheme of things by the founders of the Graf-Wellhausen hypothesis. Naturally various attempts have been made to cleanse the document and its author from the stain of deceit. The author, it is argued, was but following the literary practice of his age in making free use without acknowledgment of ancient materials which had come to him as Mosaic traditions, and so on. The age of possible authorship has been extended by the critics to the reign of Hezekiah or of Manasseh. The possible authors have been increased in number. Welch and Oestreich have refused to confine the 'centralisation of worship', the outstanding feature of Deuteronomy, to worship at a single centre, and hence see no reason why Deuteronomy should be closely linked with the reform of Josiah. Hölscher and Kennett and their followers argue for a much later date than Josiah. And so the battle of the critics ebbs and flows.

The weakness of the Graf-Wellhausen hypothesis does not lie in its documentary analysis of the Pentateuch. That the Pentateuch is composed of several documents no one who has studied it carefully and examined the evidence of the critics,
will venture to deny. The evidence of the Pentateuch, both
textual and internal, gives no suggestion of exact dating, unless
some archaisms in the text and certain historical allusions be
taken as an indication that the date of composition is earlier
rather than later. The range of dating suggested by learned
critics would seem to bear this out. Thus König can put the
date of $E$ at 1200 B.C., $J$ at about 1000 and $D$ at 700 to 650,
whilst Dillmann can place $P$ as early as 800 to 700. The
fact that such dates, so much earlier than those of the Graf-
Wellhausen hypothesis, can be suggested and supported by
famous scholars may be held to be sufficient proof of our con-
tention. The chief weakness of the documentary hypothesis
would seem to be rather in the foundations on which it rests.
Its whole background implies, and its exponents also imply, that
behind the composition of the Pentateuch there has been an ex-
tended and intricate process of literary drafting and editorship.
In our search for the documents we are introduced under its
guidance to a literary world in which we meet with a variety of
authors and compilers. Copyists in their weak moments make
errors in the text. Redactors rectify and manipulate. Glossators
annotate in the margins, and we have all the paraphernalia of
literary record and dissemination in the manuscript age.

But all this, or at least very much of it, is a reflex of the age
of the printing press, of independent authors, of editors, of
editions of books and of their publication and acceptance by a
reading public. But is it conceivable that a religious community
even in the present day could adopt as their sacred Scriptures
documents which they are left to select in the haphazard way
implied by the critics? Scholars, who speak easily of documents
and fragments of documents being fused, incorporated, inter-
polated, interwoven and the whole edited and accepted as Holy
Writ as if such were a commonplace operation, seem to forget
that in the Pentateuch we are dealing with the very core of
Hebrew religious life. It is so easy to fall into the error of im-
agining that the circulation of such a document even if limited
to priestly circles, would promote appreciation of its spiritual
value and its consequent acceptance as Scripture. But religious
communities and sects do not act in this way. Scriptures,
creeds and confessions of faith do not drift into acceptance through literary merit alone. Yet no Old Testament critic seems to have offered to explain how the diverse documents of the Pentateuch which they discover or create, acquired their sanctity and authority. But surely this is of the very essence of the whole matter.

In what follows I cover such a wide field that I may seem to you to be making many rash assumptions, but I must ask you to believe that although in this broad survey I do not supply the evidence at every step I have nevertheless given it careful consideration.

How then did the Torah originate? That much of the legislative part, in essence at least, goes back to Moses, is highly probable. But we have in the Torah a number of legal codes and collections of laws which include the same or similar enactments. The explanation of this phenomenon is probably to be sought in the number of shrines at which Yahweh was worshipped throughout Palestine after the Entry. Each would have its legislative code traditionally emanating from Yahweh by the hand of Moses. However uniform may have been at one time the basic legislative kernal for each shrine, soon there would grow up over and around it a supplementary growth of legal enactments to meet the complexities of a more elaborate social system. It is said that a Gentile came to the famous Jewish rabbi, Hillel, and asked to be taught the whole Jewish law in the time he could stand on one leg. Hillel replied, "What thou shouldest not that thy neighbour should do unto thee, that do not thou unto him. That is the whole law, all the rest is commentary." So it may be said of the simple legislative kernel of the shrines. The commentary with which it was gradually cloaked, would consist of considered judgments formulated as it would be expected Moses would have done had he been faced with the same problem. They would be in the Mosaic tradition and regarded as Mosaic enactments. Each shrine would have its own sphere of influence within which its legislature operated. The legislations as they developed would soon display distinctive features reflecting the conditions with which they had to deal. An interesting example of this is provided by the Nash
Papyrus which gives a variant and what appears to be a popularised form of the Decalogue and the *shema* from an Egyptian shrine.

The worship of Yahweh which the Hebrews brought with them into Canaan came into close contact with the religions of the dispossessed peoples. The possibility of an association of Yahwism with pagan rites was tacitly admitted in the necessity for rigid and repeated injunctions and penalties against all such contacts. Thus it was possible that the Yahwism of the regional shrines was tinged with the colour of other religions with their less pure rites and ceremonies. From the Elephantine Papyri we learn, for instance, that the Hebrew community at Yeb worshipped Anath, the goddess of heaven, alongside Yahweh in their temple, nor so far as we can gather did they see in this proceeding anything of which to be ashamed. Thus it seems to be a fair assumption that in course of time in Palestine there might be, due to regional idiosyncrasies, not one Yahweh, but many. The issue devolved itself largely into a cleavage between an image worship of Yahweh, and a non-image one, between Yahweh indwelling in animal forms such as the golden calf, and Yahweh as an invisible presence. The graven and molten images made by Micah, of which we learn in the Book of Judges, were clearly associated with Yahweh.

Concurrent with all this diversity of forms of worship came the growth of a spirit of nationalism. You can see it developing and growing in strength in the period of the Judges. Self-interest and self-preservation were the obvious and natural motives in the drive for union, binding together tribes which had in any case a family relationship. Only in respect of an united land could the phrase 'all Israel' have any real significance. But union involved both political and religious union; and religious union with diverse forms of Yahwism in existence could have been by no means an easy task. It called for leadership and statesmanship of a high order. As Yahweh, at least one form of Yahweh, would be head of the united nation, the leader must needs be a man of God, a prophet of Yahweh. Such was the situation at the close of the period of the Judges when it merges into that of the Books of Samuel.
In that age the national God, not only in the eyes of Israel but in those of all the surrounding peoples, was the real ruler of his worshippers. The earthly king was his vice-gerent. We know from the Assyrian records that the gods were consulted before any campaign or other national undertaking was embarked upon, and that the answer was given through omens, or dreams, or the words of seers. But the Hebrews hitherto had had no earthly king. Priests and elders sitting in councils, with perhaps the aid at times of prophets and judges, directed the course of political affairs both domestic and foreign. Each great crisis saw the emergence of a leader, an Ehud, Gideon, or Jephthah.

In this particular age of crisis with which we are concerned, when the tribes found external pressure upon them strong, they found a leader in Samuel. He was a man of unique qualifications being both a priest and prophet and was intimately associated with the temple at Shiloh where was worshipped Yahweh Sebaoth, Yahweh of Hosts. Shiloh, according to a Samaritan tradition which may well be correct, was founded by a schismatic party from the Shechem temple. The greatness of Samuel may be gauged from the interest displayed in his life story in the historical records. The attention focussed on the circumstances attending his birth and early life place him on a level with Moses and single him out as one of the greatest of Old Testament figures, as great evidently as Moses himself. It is significant that not only was Samuel a prophet at Shiloh, he was recognised throughout 'all Israel' as a true prophet of Yahweh. The fact that he was accepted by 'all Israel' showed that throughout the land there was a strong body of worshippers of Yahweh of Shiloh, the non-image Yahweh, and that they constituted a unity amidst tribal diversity, their religion over-riding restraints and antagonisms of tribe or territory.

It is probably a safe deduction from the evidence of the historical books that Samuel, when he set himself the task of uniting 'all Israel', had in mind a hierarchy on lines familiar to the Hebrews. It seemed destined to be one in which he would be the head, and the founder of a dynasty of priest rulers. But this prospect was shattered, so we are led to believe, by the unworthy conduct of Samuel's sons. They walked not in his
ways, turned aside after lucre, took bribes and perverted judgment. The elders of the people took counsel, had an audience with Samuel and insisted on a king as an alternative. It was the firm voice of democracy. Samuel, clearly with great reluctance, had to acquiesce and the making a king was regarded from his viewpoint as a slight upon Yahweh. Samuel at Mizpah tells the people they have rejected Yahweh. Yet Samuel carried out the wishes of the people. Through his agency Saul was made king, but, as might perhaps have been expected, there quickly developed antagonism between the two. Samuel would not suffer Saul to participate in the priestly functions nor would he be likely to admit Saul's claim, or at least the claim made for him on the score of some public appearances with the symptoms of prophetic ecstasy upon him, that Saul was also amongst the prophets. It was natural that Saul would wish to substantiate both claims, for in the exercise of the priesthood and the prophetic office lay the real power within the newly constituted state.

The fashioning of a state out of the scattered tribes was no light task, but its necessary corollary, the unification of the worship of Yahweh, was a greater still. This, as Samuel must have perceived, could only be brought to fruition by the erection of a national sanctuary. Yahweh in various ways and in some cases with idolatrous adjuncts was being worshipped at shrines and high places throughout the land. They were places originally chosen as sites of sanctuaries because in some time past Yahweh had indicated his acceptance of the places by a theophany or some other sign, for he had proclaimed "In all places where I record my name I will come unto thee and bless thee" (Ex. 20:4).

If worship was to be unified a new central sanctuary was clearly indicated. It could only have been envisaged as a place on a different footing from all others in which Yahweh was worshipped. It would not be a place visited merely on occasion by Yahweh. It would be his home on earth where he would abide for ever in the midst of his people. Obviously it would have to be a new sanctuary and the site must needs be carefully chosen, for tribal jealousies would never have permitted the choice of any one of the existing sanctuaries. Clearly it must be a place situated in Central Palestine yet neither in Ephraim
nor in Judah. The choice of the tribe of Benjamin was obvious. It may be that Samuel had in mind Ramah, his home, or Gibeon which between Samuel's time and that of Solomon had some claim to be the greatest high place, since it was there that the Tent of Meeting was preserved and it was thither that Solomon went to be crowned.

The final choice was not left to Samuel, however, but to David, as it was eventually left to Solomon to erect the building. For Samuel the site was indeterminate, a place amongst the tribes 'which Yahweh shall choose to put his name there'. In the course of time political and military reasons decided that Jerusalem should be the capital, and the divine visitation of Araunah's threshing floor determined where the sanctuary should be built. That inter-tribal rivalries did play their part in the selection of a suitable site is no mere surmise. Eventually the Temple was erected on the boundary between Judah and Benjamin. The greater part of it was in Benjamin, yet the site was so chosen, or perhaps the boundary so deflected, that there was formed an enclave of Judah within Benjamin territory in which was the altar of sacrifice. And Benjamin, we are reminded by Rabbinic tradition, was likened to a ravening wolf in the Blessing of Jacob because of his consuming desire to snatch for himself full possession of God's house.

The establishing of one temple and home for Yahweh and the centralisation of his worship in one spot for the whole land was a religious revolution. Its accomplishment called for the highest qualities of statesmanship and leadership. We must not imagine that such a task was differently conceived or differently executed than a similar task would be in our own days. Its accomplishment was not effected by a miracle. The co-operation of a number of shrines in a national union must have necessitated a great deal of organisation. It inevitably involved many meetings of representatives, much discussion, many compromises, fateful decisions. The course of events towards ultimate success could only have been directed by someone like Samuel in a position of unassailable authority. It was essential to fashion from the regional legislations of the shrines a national legislation for the proposed sanctuary and for 'all Israel'. It would be at
the same time the legislation for the new kingdom binding on both king and people. It would be the constitution of the realm, the נֵעֶם הַמֶּמְלָכָה. The task facing a leader, such as Samuel, was the unification of the diverse elements in the regional legal codes. If a similar problem confronted a national leader to-day, how do you think he would act? One of two courses would seem to be open to him. Either he might deal drastically with the whole legislative position, scrapping all individual legislations and substituting a carefully compiled code, retaining all that was fundamental and essential, cutting out all duplications and inconsistencies, and eliminating all that had been superseded; or, alternatively, he might preserve all that the shrines held to be valuable even if this course involved much overlapping, duplications, parallelisms, and inconsistencies. But the legislations of the shrines would have joined with them the traditions which provided the background and the explanation of the origin of the legislation. These also would have to be unified by conflation, duplication or other means.

The first solution could never have been attempted. It was clearly impossible to set aside what had been handed down from Moses, together with the supplementary legislation framed in the Mosaic tradition. The second solution was the only possible one, but when the documents of legislative matter and parallel traditions were brought together and dovetailed there would still remain the task of summarising the legislation afresh so as to present a consistent whole. It would be necessary to bring the whole up to date by adding enactments, framed likewise in the Mosaic tradition, dealing with existing problems. But is not this mixed collection of traditions and laws a fair description of the sum and substance of the first four books of the Pentateuch, and is not the supplementary document a fair description of Deuteronomy? The book of Deuteronomy not only recapitulates earlier legislation, summarises the historical traditions which form a background to the laws, but insists that 'all Israel' shall know Yahweh their God. They are invited to enter into a new covenant with him, breach of which will involve the most dire penalties touching all aspects of the life of the Hebrew at that time. It stands to reason that the institution of a central sanctuary
called for just such a document as the Torah. If the Torah was not compiled at this time, then where is the document of similar character which the situation clearly demanded? And who else after Moses could have had any hand in promoting a legislature except Samuel, whom Rabbinic tradition not only puts on the same level as Moses but even regards as in some respects greater. Jeremiah seems to put them on the same plane. "Then said Yahweh unto me, though Moses and Samuel stood before me yet my mind could not be towards this people" (15).

It is not to be supposed that Samuel wrote the Torah with his own hand. The assembling of the materials and the arranging of them may very well have been the work of scholarly scribes working at the instigation and under the direction of Samuel's ecclesiastical councils. The results of their labours would be submitted to and finally accepted by them. That Samuel presided over the deliberations of the councils and may have contributed to the writing of parts of the Torah, notably Deuteronomy, is possible. We can think of this council, the existence of which we are driven to envisage, as an early edition of the Beth-Din of later Judaism, with Samuel as Ab Beth-Din. Indeed the term Beth-Din is used of Samuel's council in a number of Talmud tractates (Makkoth, Erubin, Yebamoth). This, however, should not be overstressed, for it was the custom of later Hebrew writers to project their more recent institutions on to the screen of the past.

In no other way could the great reform be accomplished than by Samuel carrying the people with him in the person of their representatives. The voice of the people could make itself felt in that age to good effect. We have only to reflect on the stand taken by the elders against Samuel on the question of the succession to his high office (I Sam. 8:8) to realise how independent they might be in other questions, and presumably not least in the one we are considering. Remember also how Ezra was opposed when he insisted on the dissolution of mixed marriages (10), and the names of four outstanding opponents are even recorded. Nor is it an unheard of thing for a Hebrew council to be credited with writing Scripture. According to the Talmud Baba Bathra, the men of the Great Synagogue, wrote Ezekiel,
the Minor Prophets, Daniel, and the Scroll of Esther. One can only presume that the arrangement, editing and acceptance of these books is implied.

Since Deuteronomy, according to the view just expressed, is the necessary supplement to the compilation of traditions and legal codes found in the first four books of the Torah, some of the implications of this viewpoint should be stressed. The conception of a succession of documents, editions, and editors which characterises the Graf-Wellhausen hypothesis and is essential to it, is thereby eliminated. If our theory be accepted the different writers, or rather compilers, of the Torah all lived in the same age and all were occupied with their great tasks at the same time. The fact that there are differences in style and diction does not require by way of explanation differences of period. The claim, too, that there is evidence of the participation of different hands in Deuteronomy need not, even if it is admitted, disturb us. If it can be proved that the legislative kernel and the framework are by separate hands we could still answer that it is no more than we would expect. Nor should it be forgotten that scholars have detected Deuteronomic elements in the first four books of the Pentateuch (or the Protonomium as it was once the fashion to call them). This fact is all in favour of our theory, but it is decidedly disconcerting for the exponents of the Graf-Wellhausen theory.

It was a condition essential for religious union that there should be only one Yahweh worshipped in the land, the imageless Yahweh, the Yahweh of Hosts, the Yahweh worshipped at Shiloh, the temple with which Samuel was first associated. It was this Yahweh whose worship was transferred to Jerusalem. An interesting point is that after the transference took place he is known merely as Yahweh. Deuteronomy does not use the expression Yahweh Sebaoth, Yahweh of Hosts. The Yahweh of Hosts of Shiloh had become the god of the whole nation. He was the Yahweh. An interesting sidelight on this is supplied by two prohibitions against the worship of the 'host of heaven' in Deuteronomy (4:19, 17). For those being initiated into the worship of the Yahweh it was necessary to enter this caveat, lest the emphasis of worship should be laid on the 'hosts'.
The crux of the matter was that there should be but one Yahweh for 'all Israel'. In Deuteronomy this is stressed with the emphatic 'Hear, O Israel, Yahweh our God is one Yahweh'. This utterance is not the charter of monotheism as has generally been supposed. What is stressed is not monotheism but mono-Yahwism, a point to which attention has recently been drawn. One form of Yahweh worship and one only was to be practised.

There is also in Deuteronomy the continual appeal to all Israel as to something new, a union just accomplished. And one of the raisons d'être of Deuteronomy was to make all-Israel familiar with Yahweh their god whom they had elected to worship. In the age of Josiah an appeal to all-Israel in this sense would be void of all meaning.

Deuteronomy, too, of its own content, supplies arguments for dating it in the Samuel age. One is the venomous curse on Amalek (Deut. 25:17-18). This is found also in a slightly less emphatic form in Exodus (17:14). It is obviously a live issue at the time of Deuteronomy. We have only to recollect Samuel's treatment of Agag to realise how deeply he felt against this bitter foe. At the time of Josiah it is nothing but a pointless anachronism. Another argument is the section on the institution of a king (Deut. 17:14-20). A kingship is evidently under discussion when this section was drawn up and one can almost witness Samuel's reactions to the proposal in the warnings here given to the people of what they may expect from a king. An important point is that it is laid down that when he comes to the throne he shall write a copy of 'this Torah' from that which is before the priests, the Levites, 'that he might learn to fear Yahweh, his God, to keep all the words of this Torah and these statutes to do them'. The Torah is evidently something new with which the king has to make himself thoroughly familiar since it is the constitution and legislative system of his kingdom. This situation exactly fits the time of Samuel. Can the same be said of the time of Josiah?

Then again the injunction to give no quarter to the inhabitants of Canaan (Deut. 7:15, 20:16-18) was surely without meaning in

---

the time of Josiah but could only be applicable to the period covered by the books of Joshua and Judges.

The exponents of the Graf-Wellhausen theory admit the awkwardness of the presence of such sections in Deuteronomy, but think they are best disregarded. They find it expedient, to look upon them as survivals from a distant past, a species of literary flotsam carried down the river of Time.

But these instances do not exhaust the list of obstacles they have to surmount. There are archaic forms of words in the Hebrew text of Deuteronomy which militate against a late date. Here again the advocates of the documentary theory avert their eyes and decline to regard them as archaisms. Then again the references to Edom do not reflect the conditions of the time of Josiah but of that of Samuel. The Edomites, so courteously entreated in Deuteronomy, were only friendly with Israel in the earliest times whilst hatred of them seems to have been continuous from the time of Saul onwards. Such references have no antiquarian value that they should be perpetuated in a legislative document when they ceased to have any meaning. What possible advantage would it be to the composers of a Deuteronomy in the time of Josiah to include them?

Then again, when Deuteronomy lays it down ‘Ye shall not do after all the things that we do here this day, every man whatsoever is right in his own eyes’ (12:9), it is the period of the Judges against which that charge was always specially made. It did not in any way reflect the conditions of the Josianic period. And after all is it not recorded (I Sam. 10:25) that Samuel recited the constitution of the kingdom (כְּסֵם הַמְדָמָא) to the people, wrote it in a book, and deposited it before the Lord?

Samuel’s association with the temple at Shiloh might be expected, if our theory is accepted, to colour his new legislative effort. Much has been made of the requirement in Deuteronomy that all males should appear before Yahweh at the central sanctuary at the time of the great feasts. It has proved a veritable stumbling-block, because of its impracticability, and the search for another explanation of the meaning of the expression, ‘the place that Yahweh shall choose to put his name there’ or for another period than that of Josiah for the date of Deuteronomy,
1% THE JOHN RYLANDS LIBRARY

has hinged largely on this point. But, assuming that Samuel was concerned with the framing of Deuteronomy, it would be in being long before the Temple at Jerusalem was dedicated. Unless the legislation was put in force at a sanctuary such as Gibeon, until the temple could be built, there would be no opportunity to test the effect of the legislation. We learn, however, that Elkanah, the father of Samuel, used to make every year pilgrimages to the Shiloh sanctuary to worship and sacrifice, and that there was an annual big feast at Shiloh is also borne out by Judges 21\textsuperscript{19}. That an annual pilgrimage on a large scale should be perpetuated in the Deuteronomic legislation was natural.

That the Law of Holiness (Lev. 17-26) may have been part of the legislation of the Shiloh temple has already been suggested. Its correspondence in style and tone with Deuteronomy is generally recognised, and Hempel has held that what he regards as the oldest document used in the making of Deuteronomy (which he calls Q1) was a very old temple law from Shiloh. In the Law of Holiness all the members of the family of Levi are priests. There is no distinction of order within the tribe. And that, interestingly enough, is the viewpoint of Deuteronomy. We should have expected that in a central sanctuary the descendants of Aaron, in view of his exalted position at the side of Moses, should be installed in the highest priestly office. The Aaronite priesthood, however, was in charge at Shechem, not Shiloh. The Samaritans claimed for their High Priesthood, until it died out in comparatively recent times, direct descent from Aaron. No similar claim appears to have been made for Shiloh, and consequently they appear to have been contented with their Levitical priesthood. As the sons of Eli were barred from the high priesthood at Shiloh, it passed eventually to the family of Zadok, which must also have been associated with Shiloh, if the reference in I Sam. 3\textsuperscript{35} to the raising up of a faithful priest for whom will be built a sure house refers, as is generally conceded, to Zadok. Zadok first appears in David’s time, and the claim of Zadok to be descended from Aaron is worked out by the Chronicler, but in a fashion so unconvincing that it is almost unanimously rejected by scholars. Sellin has adduced evidence
to show that Zadok originally came from Gibeon.\(^1\) Due perhaps to Samuel’s influence and interest the Levites in Deuteronomy are advanced to the place occupied in the earlier books by the sons of Aaron, and their maintenance was assured from the Temple dues, tithes, etc.

It is just possible that the fate that befel Shiloh in Samuel’s lifetime may have turned his thoughts in the direction of a central sanctuary and spurred him into action. The nation was united religiously and possibly politically in his lifetime. Eventually the great Temple at Jerusalem was erected and dedicated, and the Torah came into operation as law for the people and direction for the individual throughout the land. The minor legislations of the dispossessed shrines were superseded. The ark, after many vicissitudes since leaving Shiloh, found a resting-place in the new Temple. The migration of Yahweh of Hosts from Shiloh to Jerusalem (there may have been a pause for a period at Gibeon or Kirjath-Jearim) was completed.

But unfortunately this happy state did not continue long. Old jealousies between North and South were revived. That the kingship was now, and would by statute remain, a possession of Judah may well have rankled in the minds of the Northern Israelites. The harshnesses of Solomon’s rule fanned the smouldering embers of discontent. The North, too, may have felt the irk of the new religious ties to Jerusalem. The golden calf worship of Yahweh had its devotees in the North. Jeroboam’s successful revolt gave it an impetus, and Jeroboam encouraged it to ensure a complete break with Jerusalem. In this he was successful for the older shrines at Shechem and Shiloh (or what remained of it) evidently continued to cling to the imageless worship of Yahweh and the Torah, since Jeroboam had to erect sanctuaries for his calf worship elsewhere. With the disruption of the kingdom the centralisation of worship for ‘all Israel’ at Jerusalem ceased to have any meaning. That Yahweh had abandoned his dwelling-place was manifest to all when Shishak came up from Egypt in the fifth year of Rehoboam and despoiled the Temple. Jeroboam, too, had restored the high places for worship and the Levites who had migrated to Jerusalem were

\(^1\) Geschichte d. isr.-jüd. Volkes, 1924, p. 170.
either restored or non-Levites were appointed to minister in their stead. The Temple at Jerusalem being no longer the national sanctuary, the writ of the Torah no longer ran in the land of Israel. The Temple remained a shrine, not of 'Yahweh, thy God' but of Yahweh of Hosts of Shiloh. There would follow of necessity a reversion to the pre-Torah legislation of the Shiloh shrine, part of which was, it has been suggested, the Law of Holiness. Fortunately this can be tested. In Jeremiah we have a prophet who lived when the re-introduction of the Torah under Josiah was a burning question. An examination of the Book of Jeremiah shows that the law code under which he lived was the Law of Holiness. He uses continually the term Yahweh of Hosts, for the Yahweh of the Jerusalem Temple, a term you will remember that was abandoned in Deuteronomy.

In chapter 7 of his book Jeremiah is described as standing in the gate of Yahweh’s house in Jerusalem and admonishing the people in Yahweh’s name. Amongst other admonitions he says, “Will ye come and stand before me in this house which is called by my name”, adding a little later, “But go ye now unto my place which was in Shiloh, where I caused my name to dwell at the first, and see what I did to it for the wickedness of my people Israel” (710, 12.)

We may cite two arguments in support of the view that Jeremiah’s code was the Law of Holiness. For the ‘Year of Release’ the Law of Holiness uses the term רוח and that is the terminus technicus used by Jeremiah. Deuteronomy calls it נפש. Then, also, Jeremiah’s action in purchasing the field at Anathoth (327) is in contravention of Deuteronomy, where it is laid down that the Levite shall have no inheritance (1427, 109, 189), but it accords well with the Law of Holiness (Lev. 2533 f.).

In this connection we may refer to the Elephantine argument for the date of Deuteronomy. The Elephantine papyri have drawn attention to a Hebrew temple at Yeb, near Assouan in Egypt, which must have been founded as early as the sixth century B.C. or probably earlier. There Yahweh was worshipped and beside him at the same shrine, Anath, goddess of heaven, was also worshipped. This state of affairs reflects conditions
that may have obtained at Yahweh shrines in Canaan in the pre-
Torah days, and the fact that letters were sent asking for support
for rebuilding their temple which had been destroyed showed
they were ignorant of the Deuteronomic code. This has been
seized upon as proof that Deuteronomy was not in existence
before the time of Josiah. But here again, if our view of the
origin of Deuteronomy is correct, the answer has been given.
Deuteronomy was in existence, but since the days of Rehoboam
it was in abeyance. Until there was a prospect of a religious
reunion of North and South it could not be re-introduced. And
probably the most serious consequence of the disruption of the
kingdom was this suspension of the operation of the Torah.
Nor could it be expected to operate until the breach between
North and South was healed, and Yahweh, God of all Israel,
would return to his dwelling-place on earth. Is it reasonable to
suppose that no effort would be made to bring about the restora-
tion of the united kingdom? In a previous lecture in this place
I gave some evidence to show that prophets like Elijah, Elisha,
Amos, Hosea and others made strenuous efforts by preaching
and by fomenting rebellions in the Northern Kingdom to
overthrow the rival kingship, and by eliminating it to promote
the restoration of a united nation.¹ At times these efforts
appeared to be on the brink of success, but always the North
clung to its kingship.

The years slipped past, and the reunion of 'all Israel', the
sine qua non for the re-introduction of the Torah, was still on the
horizon. Then in 721 Samaria fell. There was no longer a
king in the North. It was the first real opportunity for a re-
union. In the South the house of David still ruled in the person
of Hezekiah, who came to the throne in the following year.
Was the chance to be lost? Hezekiah was quick to take action,
and although he had no jurisdiction over the North, he sent to
all Israel and Judah, and wrote letters also to Ephraim and
Manasseh that they should come to the house of the Lord at
Jerusalem to keep the passover unto the Lord, the God of
Israel (II Chr. 30¹). In this matter, too, the king did not act
on his own responsibility, but took counsel of the people. A

proclamation was issued throughout ‘all Israel’ (again the Deuteronomic term) from Beersheba even unto Dan. The response was what might have been expected from people long alienated from Jerusalem, its Temple and Torah. They laughed the couriers to scorn and mocked them as they passed through the country of Ephraim and Manasseh even unto Zebulun. The Passover was celebrated. The sanctuary was cleansed, the altars removed. Azariah of the house of Zadok was chief priest. The worship of Yahweh was re-instituted. The Chronicler adds: ‘So there was great joy in Jerusalem, for since the time of Solomon, the son of David, King of Israel, there was not the like in Jerusalem’ (II Chr. 30:26).

With Manasseh on the throne there came a reaction, at least in the first part of his reign. But the effort to revive the worship of Yahweh, God of all Israel, was taken up again by Josiah. Again it was accompanied by action in North Israel, as well as in Judah. The fact that both Hezekiah and Josiah brought the whole land from Beersheba to Dan within the sphere of their operations was natural and from the point of view of our theory essential. The advocates of the regnant hypothesis are frankly puzzled at such conduct. They cannot understand why the two kings should interest themselves in regions over which they had no jurisdiction. A feature of Deuteronomy you will remember was the transformation of the Passover from a domestic festival into a national one. It was a distinctive feature of Deuteronomy. It is consequently significant that both Hezekiah and Josiah instituted their reforms by calling all Israel to that particular festival.

Just what was the attitude of Jeremiah to the Torah is not clear. He seems to have known of it and been influenced to some extent by it, but he gives the impression of fighting shy of it. But that is too big a question to take up here.

Just a final word about the Torah at the Return. When the Samaritans heard that Jews had returned from Babylon and were shaping to rebuild the Temple, they approached Zerubbabel, claiming that they worshipped the same God. There is little reason to doubt that their claim was true, and that they would be able to produce a copy of the Torah to prove their case. The
men of Shechem were regarded by the Jews with Zerubbabel as Kuthites introduced by the Assyrian king to replace the Israelites whom he deported. The contention that the Samaritans got their copy of the Torah when a grandson of the High Priest, and son-in-law of Sanballat, was chased from him by Nehemiah, is too naïve to be seriously considered. No religious community could ever accept its scriptures in such casual fashion.

The advocates of the Graf-Wellhausen theory are driven in its support to place the eighth-century prophets prior in time to the Torah in its present form. In consequence it is very awkward for them that the name Torah is found in the prophetic writings of that period. The critics take refuge in the argument that the word here is not Torah with a capital T, but the common noun meaning ‘teaching’, and the word is used in a general sense. But the evidence cannot so easily be brushed aside. When Hosea complains that the children of Israel (meaning by that the Northern Kingdom) have forgotten the ‘Torah of Yahweh’ (4:1), it is reluctantly conceded that he must be speaking of some system of legislation, and when, as the mouthpiece of Yahweh, he says, ‘Even if I should write a myriad (copies) of my Law’, or it may be translated ‘my Law in 10,000 precepts’ (the text is uncertain at this point), it has to be admitted that he can only mean a written body of law. When Amos chides Judah for rejecting ‘the Torah of Yahweh, not keeping his statutes’ (2:4), he has clearly a well-known body of law in mind.

And what of the view that Deuteronomy at least was written under the prophetic influence, if not actually by the prophets themselves? In the writings of the eighth-century prophets are found terms and expressions which are also found in the Torah. Those who make the Torah of later date than the prophets must, of course, argue that the Torah quoted from the prophets. Words and phrases made familiar by the writings of the prophets found their way into the Torah. But surely this is the antithesis of all that is probable. Which is the more likely? That Scriptures should be compiled in this way or that the prophets should quote from what was their Scripture? Quoting from Scripture is what we can all understand, but Scripture quoting
from the literary productions of a number of individuals is something new and to me at least incomprehensible.

It has been argued also in this same connection, that the humanitarianism so evident in the Torah, is an ingredient contributed by the prophets. But was it? The humanity which softens the hard edges of the Hebrew code is no contribution from an individual or individuals. It is there because the Hebrews from the first were a democracy. In the shaping of their laws the voice of the people was heard. Humanity and other ethical elements were inherent in the people. They found expression when the people spoke. *Vox populi, vox Dei.* The eighth-century prophets, when they make their urgent appeals, are really pointing out to Israel (the Northern Kingdom) just what grievous loss they have suffered by abandoning the Torah.

You may wish to ask, 'Why, if what you claim is true, is not Samuel's name associated with the Torah?' The explanation seems to be that Samuel was not the *author* of the Torah. He and his collaborators in its composition were not creating something new. They were preserving the legislation of their God and the traditions of their tribes. If there was any name to be attached to the Torah, it was that of Moses. Looking back along the dim road that led out of the past, they could discern that great figure and no other at the beginning of the way which led from Sinai. And their vision was shared, and is still shared, by the Hebrew people.

Yet perhaps there is after all a reference, even if indirect, to Samuel in the Torah. It is found in the place where you would most expect to find it, in Deuteronomy. Samuel in his age would, like all public men engaged on a great reform, have his opponents and detractors. Speaking of the time when Israel has entered the land of promise, Yahweh speaks (Deut. 18:18), 'I will raise them up a prophet from among their brethren like unto thee (Moses), and I will put my words in his mouth and he shall speak unto them all that I shall command him. And it shall come to pass that whosoever will not hearken unto my words which he shall speak in my name I will require it of him.' Do these words not constitute Samuel's credentials for the compiling of the Torah? Surely there is here an obvious allusion
to an individual. Yet the elder Driver was compelled to find in it a reference to a prophetical order. And if this individual was not Samuel, who was he?

An interesting sidelight is thrown on the difficulties that must have existed in placating animosities and reconciling rival interests in the process of compilation. In Genesis, chapter 49, we have the ancient poem, the Blessing of Jacob. It is clearly Judaic in origin, and is directed against the northern tribes. Judah alone is the highly favoured one. It was a piece of literature which you could imagine a southern shrine wishing to have preserved in the new collection of Scriptures. Yet obviously it would strike a discordant note. To counterbalance it we have in Deuteronomy 33 the Blessing of Moses, where blessings are invoked all round. It is a document calculated to promote peace and harmony in a united nation and effectively offset the inclusion of the Blessing of Jacob.

In the year 1872 a German, Paul Kleinert, published a book in which he argued that Deuteronomy was written by Samuel. W. E. Addis, in his Documents of the Hexateuch (p. xxxvi), said it only deserved notice as a curious eccentricity. This was not only unkind but unjust, for Kleinert’s investigations were thorough, although in later years he resiled from this position and subscribed to the documentary theory. I hope then that when I argue that the Torah was fashioned at the instigation, and under the supervision, of Samuel you will not dismiss my claim as lightly. The dating of Deuteronomy in the period of Josiah is proving an Achilles heel to the Graf-Wellhausen theory, and the attacks launched against it are having their effect. The need for a new theory is becoming urgent. Even if the conciliar theory which is here offered is not proved satisfactory, it may suggest at least to others a new line of approach. To establish the theory in a fitting manner would require many lectures, but war-time conditions and obligations render this, for the time being, impossible. Perhaps its presentation should have been postponed, but hard times necessitate hard decisions, and half a loaf under the circumstances may perhaps be reckoned better than no bread.
SELECTED BIBLIOGRAPHY.


Das Deuteronomium und die Reform König Josias; *Z.A.W.*, 44, 1926, p. 177-224.

W. W. Cannon, *Note on Dr. Welch's Article 'The Death of Josiah'*; *Z.A.W.*, 44, 1926, p. 64.


H. Junker, *Das Buch Deuteronomium*, Bonn, 1933.


Deuteronomy and the Decalogue, Cambridge, 1930.

P. Kleinert, *Das Deuteronomium und der Deuteronomiker*, Bielefeld, 1872.


Das Deuteronomium, Leipzig, 1917.

M. Lühr, *Das Deuteronomium*, Giessen, 1925.

W. Moller, *Rückbeziehungen des fünften Buches Moses auf die vier ersten Bücher*, Luxemburg, 1925.


W. Nowack, *Der erste Dekalog*; Baudissin Festschrift, Giessen, 1918, p. 381-97.


Jeremia's Stellung zum Deuteronomium; *Kittel Festschrift*, Leipzig, 1913.


