OBSERVATIONS ON THE ORIGINS OF HOLY SCRIPTURE[1]

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JUDAISM, Christianity, and Muhammedanism agree in placing at the foundation of their respective systems a body of writings which they hold to be of divine origin and hence to constitute, for all time, the authoritative standard of belief and conduct. The two younger faiths have, by universal admission, never existed without both the idea of such a revelation and the revelation itself. Christianity accepted full-fledged from Judaism the idea with the thing. From the beginning it taught that God had revealed his will to mankind in certain Jewish writings. It is true that, owing in part to faulty definition in the Synagogue, and in part to the current use of scrolls of limited compass instead of volumes in codex form, Christianity found itself, after the schism, cherishing a few peripheral writings which Judaism failed to approve. Also, at an early date it supplemented the Jewish scriptures with the records and utterances of Jesus and his apostles, to which likewise it yielded canonical dignity. But in the one case as in the other, Christianity was merely adding certain writings to a category already established by Jewish thought and practice. "Holy Scripture" in the Jewish sense of the term, and with a preponderant Jewish content, has always constituted an integral element of Christianity.

In Muhammedanism the situation differs only as regards content. The non-Jewish nationality of its founder, his illiteracy

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and pagan breeding, his failure to obtain recognition among the Jews of Arabia, resulted in the displacement of the existing Jewish and Christian scriptures by a new revelation. Yet Muhammed operated from the beginning with the conception of a revelation of the divine will and purpose in written form. "The Book" had existed before the Koran. And the idea of a Koran is essentially Jewish. Pre-Muhammedan Arabia had nothing like it. Doubtless there were religious enthusiasts before Muhammed. But he came forward as a *nabi*, a Hebrew religious functionary, with a message cast in the traditional mould of Israelitish prophecy.

In the case, then, of both Christianity and Muhammedanism, the nascent institution found ready to hand a conception which had been developed by their common predecessor: the conception of a body of writing sent into the world by God himself for the certain and everlasting guidance of men. But how came Judaism itself by that conception?

That the answer to this question must be sought in the antecedents of Judaism, in the latter's Israelitish background, rather than in its actual professions, is self-evident. For the Jewish scriptures contain quantities of matter which has no ostensible relation to belief and conduct, whose presence can accordingly be accounted for only on historical grounds. And, in the second place, the question itself is to Judaism almost unintelligible. To Judaism the idea and the thing are inseparable. Except as the passive instrument in the hands of the Creator, the mind of man had at no time anything to do with the making or unmaking of Scripture. From the moment of its coming into existence a writing either was or was not divine, and it remains so for ever. Moreover, like Christianity and Muhammedanism, Judaism thinks of itself as a product of Scripture. It too has never known a time when it did not possess a divine revelation in written form. To be sure, it antedates its own beginnings by several hundred years, and necessarily therefore the first appearance of Holy Scripture. But that merely lends emphasis to the conclusion that an answer to the historical question must not be sought in the domain of Jewish dogma.

Nevertheless, the fact remains that it is the Jewish conception,

transmitted to Christianity and Muhammedanism, that we are concerned to account for. We need not accept the Jewish theory that there is nothing about it to explain, but the starting point of our enquiry must of necessity be that same Jewish conception.

What, then, is that conception exactly? It may be described in very few words. Holy Scripture—our Old Testament—consists of a series of divinely inspired writings extending from the age of Moses, the founder of the nation, to the age of Ezra and Nehemiah, who completed the restoration after the Babylonian exile. Writings are divinely inspired which were produced through the instrumentality of a prophet. Prophets there may have been before the beginning of that period, that is before Moses; but they produced no Holy Scripture. After the close of that period, there were no prophets, and consequently no Holy Scripture was or could be produced. The earliest Scripture was written by Moses; the latest by Ezra and his contemporaries. Thus Scripture consists of one original prophetic writing, supplemented from time to time by additional prophetic writings, until finally the gift of prophecy disappeared from the face of the earth. Judaism knows nothing of any Holy Scripture produced by priests, *qua* priests, or by any other class of persons, however learned or eloquent or righteous or wise, except as they happened to be endowed with the requisite gift of prophecy. In a word, Holy Scripture consists of the writings of the prophets, and of nothing else.

Modern critical study of the Old Testament rejects the Jewish doctrine of the scriptures as consisting, from the first, of successive deposits of inspired writing. Criticism distinguishes between the literary and the canonical history of the Old Testament. It operates with the idea of "canonization," an act or process by which a writing not originally claiming or esteemed to be of superhuman origin and divine authority came finally to be so esteemed. Starting with the rigid tripartite division of the Hebrew scriptures into Law, Prophets, and Writings, it holds that those three divisions represent three successive stages in the canonical process. The Law was Holy Scripture when as yet the Prophets were not; the Law and the Prophets were

Holy Scripture when as yet the Writings were not. According to the prevalent view, the Pentateuch, though it consisted in the main of matter composed at various times before that date, was adopted as authoritative Holy Scripture at the convocation held under the joint auspices of Ezra and Nehemiah in the year 444 B. C., as is narrated in the eighth chapter of the Book of Nehemiah. So that for criticism, Holy Scripture, at least in its present form, begins almost at the very point of time where according to Jewish tradition it ends. Thereafter, for the next two hundred years or more, the Pentateuch alone constituted the canonical Scripture of the Jewish church, although there were other writings in existence, both prose and poetry, which as regards their composition were quite as old as anything in the Pentateuch. About 200 B. C. the second stratum or canon was "canonized," consisting of the historical books of Joshua, Judges, Samuel, and Kings, and the prophetical books in the narrower sense, Isaiah, Jeremiah, Ezekiel, and the Twelve. Thereafter again, for the next two hundred years or so, Holy Scripture consisted of the Law and the Prophets, but with a constantly growing sentiment in favor of the recognition of the third group of writings, the Hagiographa. And about the beginning of the Christian era—perhaps a little earlier, more probably a little later—this process had resulted in the "canonization" of the third group. All of the writings of this group had been moving along the path pretty much abreast, though some (Ecclesiastes, Song of Songs, Esther, Chronicles) lagged a little behind, while others (notably the Book of Psalms) were somewhat in the lead. Finally, by the negative process of exclusion, rather than by any comprehensive positive action regarding the admitted writings, during the first generation after the destruction of the temple, the canon of the Old Testament was closed for good and all.

In support of this view it is pointed out that the Samaritan church, which broke off definitely from fellowship with Jerusalem some time during the fourth century, cherishes the Pentateuch but not the remaining two parts of the Old Testament; that the Prophetic canon is recognized by Ben Sirach, writing about 180 B. C., and that it lacks the prophecy of Daniel, which was

published early in the year 164 B. C.; and that the enumerations of Josephus and the author of Fourth Ezra, both writing toward the close of the first century A. D., testify to a completed Old Testament at that period. As these three strata represent three successive stages in the growth of Holy Scripture, so they represent also three descending degrees of sanctity and authority. The Law is the most holy and authoritative, the Prophets are the next holy and authoritative, and the Writings the least holy and authoritative.

Nevertheless, the Pentateuch was not the earliest Holy Scripture to be recognized as such in the Jewish church. It is merely the oldest of the three existing divisions. It had been preceded by an earlier canon, the Law of Deuteronomy, which it eventually absorbed and so superseded. From the eighteenth year of Josiah, 621 B. C., until the adoption of the Pentateuch in 444, the Deuteronomic Law, either separately or as imbedded in the JED corpus of law and history, was the Holy Scripture of the nascent Jewish church. Thus we have the hypothesis of three concentric zones, representing three degrees of sacredness and authority and three successive stages in the growth of Scripture, the innermost zone having first replaced an earlier Scripture of more limited compass. But in any case, there was no Holy Scripture of any sort before 621 B. C. The nucleus of the Old Testament as a collection of inspired writings was the (Deuteronomic) Law.

As contrasted with the teaching of traditional Judaism, the critical position has certain undeniable merits. In distinguishing between the literary coming into being of a document and its attaining to canonical dignity, criticism gets rid of an insuperable obstacle to the historical understanding and evaluation of the Old Testament, and makes intelligible the phenomenon that writings which by no stretch of the rational imagination can be considered prophetic—the amorous ditties of the Song of Songs or the arid wastes of the Chronicler's genealogies—have come to occupy a place in Holy Scripture.

On the other hand, however, the critical view stated in just that form raises difficulties of its own almost as serious as those which it dissolves. How are we to reconcile the fact that the

Scripture of the Jewish church consists of writings which are all of them prophetic, or else assumed to be prophetic, with the hypothesis that for two centuries after Ezra the only Scripture recognized was the Pentateuch—the Law, of which the hereditary custodians and interpreters were not the prophets but the priests; while during all that period the authentic oracles of numerous prophets—the quintessence of inspired utterance, one would suppose—remained outside the pale of Holy Scripture? Apparently the critical position is in need of restatement in some less objectionable form. I cannot, in the time at my disposal, do more than indicate what seems to me the true point of departure for such a restatement.

In a recent handbook which, though intended for the general public and primarily for Jewish readers, may be read with profit by the scholar of every faith, a distinguished member of this Society has, in opposition to what we have ventured to call the critical view, but which he calls the "untraditional" view, put forward the thesis that Jewish Holy Scripture consisted from the first of three separate groups or kinds of writing, corresponding to the three existing divisions of the Hebrew canon, the Law, the Prophets, and the Writings. The first group embraced the contributions of the priests, the second those of the prophets, and the third those of the "wise." As each work or item came into existence or into general use, it was assigned to one or other of the three recognized categories in the sacred library of Israel. Doubtless Professor Margolis would claim for his view the label "critical" which he denies to the "untraditional" school. To what extent I am in accord with his strictures on the critical hypothesis, will appear as we proceed. For the moment let me merely point out that his view is just as "untraditional" as is that of the critics. Early Judaism knows nothing of any Holy Scripture which is not both inspired and prophetic. It was not until the Middle Ages that Jewish scholars began to draw a distinction between prophecy and other forms of activity on the part of the Holy Spirit. If our colleague's position is correct, Scripture consists of one class of writings which are inspired, and two which are not inspired, one of the two, moreover, occupying the most authoritative

position in the hierarchy. Nor is it easy to see why the writings of the merely "wise" should have been limited to such as fell within the supposed age of prophecy. To say nothing of such a book as Ben Sirach, were not the rabbis of the centuries immediately preceding and following the Christian era "the Wise" *par excellence*, and the earliest of them not so far removed in time from the latest contents of the Old Testament? And yet their utterances, when finally recorded, were not added to the third division of the sacred writings.

For my part, I think we shall find it most profitable to take our start from the traditional conception of what the Old Testament contains—what the Jewish church thought it was doing when it assembled into this sacred volume the various and varied contents of the Old Testament; for the literary categories are many more than three.

Judaism tells us that Holy Scripture is the product of prophecy. My remarks will be directed to show that historical study, which necessarily approaches the subject from a different angle, nevertheless supports that proposition. If there had been no prophets in Israel, there never would have been any Holy Scripture—or any Judaism either—in spite of the fact that ancient Israel had a vast amount of priestly *torah*, as well as prose and poetic literature in abundance. Holy Scripture as such is the product of prophecy: it is either actual prophecy, or matter which was artificially cast into the mould of prophecy, or matter which was mistakenly identified with prophecy. Speaking very generally, and only very generally, the oracles of the second canon are actual prophecy, the law of the first canon is matter deliberately cast into the forms of prophecy, while the narratives of both canons as well as the entire contents of the third canon are matter more or less mistakenly identified with prophecy. Not only the Hagiographa, then, which according to the tradition were written by prophets, and according to the critical view were mistakenly attributed to the prophets, but the Law itself owes its place in Holy Scripture to the fact that in some way it became identified or associated with prophecy.

Please note that I speak of prophecy and identification with prophecy. The word "canonization" in Old Testament contexts

is apt to be misleading. Even assuming that the Deuteronomic Law, for example, was formally adopted by king and nation in the days of Josiah, in the sense that they then promised to obey it, and that the Pentateuch, or if you please the P Code, was similarly adopted by the Jerusalem community under the auspices of Ezra and Nehemiah, it is inconceivable that either body should have believed itself to be bestowing upon the law or book or code in question a quality and authority which it had not theretofore possessed. And on the other hand, no one will pretend that either the Former or the Latter Prophets were "canonized" in any such manner about the end of the third century B. C., or that the books of the Hagiographa, whether jointly or separately, were so "canonized." Obviously, moreover, it is quite possible to attribute to a composition—a prayer or a song, for example—prophetic and therefore inspired authorship, without necessarily implying that it perforce constitutes something in the nature of a standard or rule of belief and conduct.

Now, as observed at the outset, Judaism correctly thinks of itself as founded upon Holy Scripture. In fact, the chief reason for its antedating so much of its Scripture, in particular the Law, is that it antedates its own foundation. In the Targum of Jonathan on the Book of Judges, Palestine is pictured as dotted all over with synagogues engaged in the study of the Pentateuch. Judaism and Scripture are in fact inseparable. Any study of the origins of Scripture must necessarily therefore go back of the beginnings of Judaism, to the pre-exilic religion of Israel.

What was there, then, in the old religion of Israel from which such an institution as Holy Scripture could spring?

Scripture is the word of God to men. Existing Scripture must accordingly have originated with the writing down of what was believed to be the word of Yahwe to his people. Now in the old religion of Israel there were just two regular, historical methods of obtaining communications from Yahwe. The first, and on the whole the earlier, in the sense that it began first and was the first to be disused, was the oracle of the priest. The second, and on the whole the later, in the sense that it

came into use later and continued for a considerable period after the lapse of the first, was the oracle of the prophet.

It it easy to confuse the subject at this point. In Israelitish myth and legend, in poetry and story, Yahwe was fancifully represented as speaking to men face to face. So to Adam and Eve, to Noah, to the patriarchs, and above all to Moses, concerning whom we are told explicitly that Yahwe spoke to him "face to face as a man speaketh unto his friend" (Ex. 33 11). The mutinous Aaron and Miriam hear Yahwe's voice distinctly in the Tent of Meeting: "If there be a prophet among you, I will make myself known unto him in a vision and will speak to him in a dream. My servant Moses is not so. With him I speak mouth to mouth, visibly and not by mysterious means, and the very form of Yahwe he sees" (Num. 12 6ff). At the foot of Sinai, not only Moses, but Aaron and Nadab and Abihu, besides seventy elders of Israel, actually "saw the god of Israel" (Ex. 24 10f). And after the age of Moses, from Joshua to Samuel, one after another Israelitish hero talked with Yahwe himself or else with the latter's visible embodiment, the apparition in human form (cf. Jud. 13 6) known as the "angel of Yahwe," and heard with his natural ears the voice of Deity. But all this happened *only in other days*, never in contemporary life. It embodies fancy, not experience. Saul and David and Solomon and Ahab, to say nothing of the later kings of Judah, knew of no human being in their own day who pretended to have seen and talked with Yahwe "face to face." For all of these, there was but one of two methods of ascertaining directly the will and purpose of the deity: the oracle of the priest or the inspiration of the prophet.

I have not overlooked the fact that in our present records Yahwe is represented as making use, even in later times, of the seer and of dreams for communication with men. But the seer, except as his activities are identified with those of priest or prophet, was not a religious functionary at all, but a private practitioner of magic; David seems to have thought him something of a quack (II Sam. 15 27). This applies to the seer called *ro'eh*. The *ḥozeh* was primarily an astrologer and interpreter of other omens. There was a "priest of Yahwe" and a "prophet

of Yahwe," but there was never a "seer of Yahwe" in ancient Israel. Dreams, on the other hand, so far as they do not belong in the imaginative representation of the past, were thought of as merely one of the modes by which the spirit of the deity came into contact with the person of the prophet.

The two instrumentalities, accordingly, with which we are concerned, which were actually and habitually employed in ancient Israel for ascertaining and declaring the divine will, in one or the other of which—if not in both—must be sought the origins of Holy Scripture, are the oracles of the priests and the oracles of the prophets.

Now it is apparent that, of the two, the priestly oracles were utterly incapable of producing the institution of Holy Scripture, and that in point of fact they did not produce it. The priestly oracle was a crassly mechanical affair. The means employed was the sacred lot, contained in an especially consecrated box, the "box of Yahwe," the historical prototype of the Ark of the Covenant or Ark of the Testimony which Jewish dogma—not Israelitish tradition—carried back to Sinai and invested with the two tables of the Decalogue. This box was borne by the priest, who was accordingly designated by the honorific title of "Bearer of the Box of Yahwe." The enquirer stood before the priest and, invoking the deity with due solemnity, himself put the question to which he desired a definite answer. The question was necessarily such as could be answered with a simple yes or no, or else with the indication of one of two equally distinct alternatives. Shall I go, or shall I not go? Shall I go here, or shall I go there? Shall A go, or shall B? Is the guilty man to be found in this group, or in that? is he this individual, or is he that? The priest introduced his hand into the box, from which, after an interval occupied in repeating some formula or in certain manipulations prescribed by tradition, he drew out the lots, and proceeded to interpret them, conforming the language of the answer to that of the enquiry. The data we have concerning this priestly oracle are not numerous, being only such as were allowed to squeeze through the hands of later Jewish editors, who in part did not understand the facts and in part suppressed them. But they are sufficient to justify the

description I have given. We find traces of this Yes-or-No, A-or-B oracle in the earliest period after the Israelitish invasion of Canaan, and it is unmistakably employed as the standard oracle in the reigns of Saul and David. Solomon too was familiar with it; for in words which sound historical (I Kings 2 26) he alludes to it as a contemporary institution to which he gives full faith and credence. Gradually, however, and apparently quite early in the period of the monarchy, this institution was superseded, at least in public life, by the more satisfactory, because more articulate and less fettered, oracles of prophecy. We find no mention of its use by the rulers of Israel and Judah after the ninth century; although a certain prophecy of Jeremiah (Jer. 3 16) implies that it continued to be consulted in the backward regions of North Israel, by persons in private station, as late as his own day[2].

On the other hand, we know for a certainty that priestly oracles were entirely extinct after the exile, and the consultation of them utterly unknown in the Jewish church even in its earliest period. There was no priestly oracle in the Second Temple. Such is the testimony of the Mishna (Sotah 9 12), of Josephus (Ant. III 218), and of the Old Testament itself (Ezra 2 63 = Neh. 7 65). We must not allow ourselves to be misled by the descriptions of the *ḥoshen* or "breastplate" of the High Priest and the mention of *urim* and *thummim* in the Priest Code (Ex. 28 29 f. Lev. 8 8). P does not purport to describe the accoutrements of the High Priest of his own day, but rather those of the supposititious archetype in the days of Moses. Neither P nor any of his contemporaries had ever seen *urim* and *thummim*, and P for one had not the least idea what they were. He had culled the two words from oracular contexts in the older literature. Even the rabbis of the Middle Ages were puzzled by

[2] The opinion of Stade (*Biblische Theologie des Alten Testaments*, p. 129) that such passages as Amos 5 4-6, 10, Micah 3 11, Lam. 2 9 have reference to priestly oracles, seems to me very questionable. The *torah* of the priest did not necessarily or even habitually consist of oracular responses. In fact the passage in Micah, "The chiefs render judgment for reward, and the priests advise for hire, and the prophets divine for money", indicates pretty plainly that at the time it was uttered supernatural aid was to be had only from the prophets.

the singular omission of the vaguest description of those objects in both passages. There can be no manner of doubt that the breastplate of the High Priest in the Second Temple contained nothing at all to correspond to the words *urim* and *thummim*. The priestly oracles expired with the ancient Yahwism. Judaism, which was the offspring of prophecy, was both ignorant of them and quite out of sympathy with them.

Now it is obvious that such responses as those yielded by the priestly oracles, giving a simple yes or no, or indicating one of two alternatives, in answer to a specific question on a specific occasion, could hardly contain anything worth writing down for transmission to posterity; while the very existence of the institution rendered superfluous and self-contradictory the recording of them for consultation in some future emergency. For the sacred box was always there, or could be manufactured at pleasure; and the priest was a continuous, not like the prophet a sporadic, phenomenon. In point of fact, these oracular responses were not recorded. The Old Testament contains nowhere any record, or trace of a record, of a corpus of such priestly oracles.

Nor should the point be overlooked that neither diviner nor client supposed for a moment that the proceeding to be effective demanded an effusion of the divine spirit upon the officiating priest. Like all other priestly rites, this rite depended for its efficacy upon the correctness with which it was performed. If Holy Scripture is inspired scripture, it could originate in inspired oral utterance which was later committed to writing. It could hardly originate in the committing to writing of the result of oracular enquiry which did not in contemporary thinking involve the possession of the divine spirit.

To be sure, the priests were more than manipulators and interpreters of the oracles of Yahwe. They were the proprietors of the important sanctuaries—sanctuaries whose clientele was large enough to support a resident priesthood—and they were also the custodians of the religious tradition. They were the counselors of the people on questions of ceremony and ritual, of clean and unclean, of sacred and profane. And doubtless, because of their professional occupation with matters of tradition, they were the court of appeal — as regards opinion, not

as regards enforcement — in cases of extraordinary difficulty, that is of rarity, arising in the domain of what we should call the civil law. But the notion sometimes met with, that the priests of ancient Israel were the ordinary administrators of justice, after the manner of the rabbi of Talmudic times, is without warrant. Justice was administered "in the gate," not at the sanctuary; by the elders of the tribe or city, or else by the civil magistrate, the *shofeṭ*, not by the priests. Jezebel suborns the elders, not the priests, for the legal murder of Naboth. In the story of Moses and his father-in-law (Ex. 18), which concerns us only for its reflection of the author's views, Moses combines in his person the functions of priest and tribal chief, and is accordingly represented as the channel of oracular enquiry as well as instructor in the sacred law. But the officers whom, on the advice of Jethro, he appoints to administer justice —the rulers of thousands and hundreds and fifties and tens— are not priests or Levites but laymen. Even in Deuteronomy, where the civil law is cast into a religious mould, the distinction between the *torah* or "teaching" of the priest and the *mishpaṭ* or "legal rule" of the civil magistrate is still maintained (Deut. 17 9 ff. cf. 16 18–20).

It is barely possible that an occasional decision of some novel point of religious practice, or even of civil law, was secured by resort to the priestly oracle, and thereafter embodied in the traditional *torah*. But that cannot have occurred often enough to affect with even the palest aspect of oracular origin the body of the traditional law. The mass of both *torah* and *mishpaṭ*, sacerdotal doctrine and civil law, was not, and in ancient Israel was not believed to be, of oracular origin. For we must not forget that neither sacerdotal doctrine and tradition nor a common law of the body politic was anything peculiar to ancient Israel. Other peoples had both, without transmuting them into written revelation. In early society law is "declared," it is not "made." It is considered as static as mathematics. It is the physiology of the State. Even the king is subject to it. Only later does the idea of law by decree or statute take shape, and then the tendency is to assign a fictitious statutory origin to existing law and custom.

Actually, the rigid statutory cast which characterizes the law of our Old Testament is directly due to the influence of the institution of prophecy. In certain Levitical circles, and perhaps apart from the influence of prophecy, the sacerdotal tradition was carried back, in a vague way, to the foundation of the nation, that is to "the beginning," and so to its traditional founder, Moses. But there is no reason to suppose that even in those circles the whole body of Israelitish law was attributed to divine revelation—except in a pickwickian sense, in much the same way that Hammurapi and his contemporaries "believed" that his exhaustive codification of the Babylonian common law was handed to him by the god Shamash.

In any event, there is no evidence that the traditional *toroth*, any more than the responses of the oracles, were actually assembled in a written code and published to the nation as the embodiment of the commands of God. So far as such compilations existed at all, they were private priestly manuals—textbooks—and nothing else. There existed, to be sure, a great national prose epic, which related the marvelous story of Israel from the creation of the world to the glorious reign of Solomon, which was public property, and apparently set forth, by way of narration, in connection with the story of the exodus from Egypt (Ex. 13), the institution of the law of the first born and of the feast of Unleavened Bread, and, in connection with the story of the covenant established at Sinai, the words or stipulations of that covenant (Ex. 34)[3]. But only by way of narration. Neither J nor E was written as a framework for those two passages, nor did they make any pretence of being inspired compositions.

The fact remains that the Old Testament contains no trace of a book or document actually published to the nation, under priestly auspices, as setting forth the word of God to men—before Deuteronomy.

On the other hand, long before Deuteronomy there were indisputably in circulation manuscripts originating in non-priestly

[3] In the E document (Ex. 21-23) the ten words of the covenant have been swollen with many additional injunctions as well as a long list of *mishpaṭim*, rules of civil law (21 1—22 17), which were no part of the original document; cf. the interpolated words, "and all the *mishpaṭim*," in 24 3.

circles and exhibiting *just that thing.* Long before the eighteenth year of Josiah there existed a class of writings which claimed to set forth, and were acknowledged by their possessors to set forth, the word of God to men—the prophecies af the prophets. If it be objected that, though addressed to the nation, these writings were acknowledged and cherished only by the disciples of the prophets, the answer is that the Jewish church has always consisted of the disciples of those same prophets, be the disciples few or many. And it is the origins of the Scripture of the Jewish church that we are attempting to trace.

The institution of prophecy needs no description. The prophet employed no mechanical instrument of divination. He believed himself to be possessed by the living spirit of the deity, which entered into him and so communicated either directly with him or with the outer world through the medium of his body and vocal organs. Ostensibly, as early as the times of Saul and David (I Sam. 28 6, 15, II Sam. 12) individual members of the fraternity, which as a whole did not rise above the level of religious ecstacy and emotional paroxysms, stand forth to guide or to reprove the ruler of the nation by the articulate expression of the mind of deity, imparted to them through the physical infusion of his living spirit. As regards Saul and David the record may be colored by the ideas of later times, as the stories relating to Jeroboam and Rehoboam certainly are. But the story of Micaiah ben Imlah at the court of Ahab indubitably reflects the actual usage of the middle of the ninth century. And although Elijah is in many respects a legendary character, the share of Elishah in the destruction of the dynasty of Omri is too inextricably interwoven with the history of the monarchy to admit of serious question. Manifestly, in that generation communication with the deity through prophecy had, at least in national affairs, supplanted divination by means of the priestly oracle.

So far as we know, neither Micaiah ben Imlah nor Elishah —any more than Nathan or Elijah— composed messages in writing or had them copied and preserved for their own and their disciples' use. But we do know of a certainty that, beginning with the middle of the eighth century, at least some

utterances of the prophets of Yahwe were of such form that they required the use of the pen for their composition, or else of such literary merit and impressiveness that they were written down by the disciples of the prophet. To be sure, the earlier prophets did not write for publication, any more than a modern sermon is written for publication. But if a modern sermon claimed to embody an inspired message from God to men, and that claim was credited by the preacher's adherents, one of the latter who possessed a copy of the sermon, for whatever reason transcribed, would certainly esteem himself to possess a transcript of the word of God.

It is not at all necessary to appeal to such passages as Isaiah 8 1, 16 and 30 8, which are not quite to the point, or to Jer. 26 18, where Jeremiah quotes a prophecy of Micah, or to the famous incident reported in Jeremiah 36, which can hardly have been entirely without precedent, in support of the thesis that prophecies were written down before the close of the eighth century as well as in the seventh. The argument *ad hominem* is sufficient. Whoever admits that we have in our Old Testament verbatim utterances of Amos or Hosea or Isaiah or Micah, admits all that is necessary for the purpose of this discussion.

For the rest, the reasoning is perfectly simple: Since Holy Scripture, in the conception of the community which engendered and fostered it, consists of the writings of prophets and nothing else, the earliest Holy Scripture as such will have been the earliest prophetic writings. The earliest Scripture—I do not say the first story of the existing structure, which is the product of more or less reconstruction—was neither the Pentateuch (as orthodox tradition has it) nor yet the Deuteronomic Code (as orthodox criticism has it), but the written records of the divinely inspired utterances of the prophets—as far as we can judge from the surviving materials, the prophets of the eighth century.

Of course there was in the eighth century no synagogue in which those prophets could be read, nor any institution remotely resembling the synagogue of later times. Nor were any of those prophetic writings adopted—canonized, as the saying is—by a great popular assembly such as bound itself to the Deuteronomic

Law under Josiah, or such as is represented as gathering to listen to the reading of Ezra's Law. But neither were our present prophetical books and the Hagiographa ever formally adopted by such an assembly. And while it is true that the synagogue has been an all-important factor in the preservation of the scriptures, it is not true that actual reading in the service of the synagogue was requisite to the canonical status of a book. The synagogue has never read more than certain extracts from the Prophets, and has never read at all six of the eleven books of the Hagiographa. Reading in the synagogue did not make either Law or Prophets canonical; they were read and studied in the synagogue because they were already considered canonical. All that reading in the synagogue accomplished in the case of both those so-called canons was to arrest for good and all the process of redaction and revision.

The fact remains that when Josiah came to the throne in the second half of the seventh century, *manuscripts of prophetic utterances claiming and believed by their readers to embody the inspired word of God had been in existence for over a hundred years; while for over two hundred years the institution of prophecy which they represented had entirely displaced the priesthood as the recognized channel of divine revelation.* The Prophetic Canon, as a category of writings, was already then in existence, however much was to happen before it was finally closed.

This fact cannot be too strongly emphasized. For except as we reckon with it, we shall be wholly unable to account for *the prophetization of the law.* The latter process began with the publication of Deuteronomy.

Exactly when Deuteronomy was composed, we do not know. The implication of the narrative in Kings (cf. II Kings 22 4ff) is that the book was found in the collection box which since the days of Joash had been placed at the entrance to the temple to receive the money contributions of the worshippers (II Kings 12 10). So the Chronicler understood the narrative (II Chron. 34 14). If this inference is correct, the book cannot have lain there for very many years, and it will have been put there for the purpose of being discovered at the next opening of

the box. It was the author's contribution toward "the repair of the house." And it was a greater contribution than that of Solomon.

The book of Deuteronomy is a pseudepigraphon, in the strict etymological sense of the word; but only in that sense. Otherwise it has little in common with the pseudepigrapha of later times. For no sincerer book was ever written, or one composed in better faith. To raise the question of literary ethics in this connection is to show one's self lacking in historical sense. The pertinent considerations are quite other than the question of the recognition of certain (essentially Hellenic) literary conventions. They are, first, the absence of any distinction between form and matter in Hebrew thinking and consequently in Hebrew prose composition. Hebrew syntax has no means of reporting a speech of Mr. Lloyd George in the House of Commons in indirect discourse, after the manner of the London Times. And second, and more important, the absence of the faintest idea of evolution in matters of law or of religion. The *history* of Deuteronomy was that recorded in the great national epic already mentioned. The *religion* of Deuteronomy was the religion of the prophets —the true religion of Israel, the same yesterday, to-day, and forever, from Moses to the end of time. No one of the prophets supposed for a moment that he was introducing a new conception of the character and demands of Yahwe; neither did the author of Deuteronomy suppose that they were. The *law* of Deuteronomy was existing law, likewise (because law) of immemorial antiquity, and so for a Levite essentially Mosaic. For my own part, I have not the least difficulty in believing that even the law of the single sanctuary was imputed to Moses in perfect good faith. What were all those sanctuaries scattered over the country but ancient heathen shrines, at which the worship of Yahwe was mingled and confused with that of alien gods, with pagan rites and obscene Canaanitish orgies? And how many sanctuaries of Yahwe were there in the days of Moses?

Deuteronomy was not the beginning of Jewish Holy Scripture, but it was the beginning of the *law as written revelation*. And at this point it is of the utmost importance to observe that Deuteronomy, although it contains a good deal of law, both

religious and civil, is not a law book at all. It is *a prophecy*—one long address, patterned after the addresses of the prophets. Moreover, unlike the prophecies of the earlier time, it never was or could be anything but *a written prophecy.* That is, it is *a literary composition suggested by and patterned after the existing written reports of the prophecies of other days.* At the time it was written, manuscripts of prophecy were familiar to both the author and his prospective readers.

Although himself a priest, and almost certainly of genuine Levitical stock—which is more than can be said of the descendants of Zadok—the author nevertheless knows nothing of any priestly oracle of Yahwe. For several generations prophecy had in fact been the only accredited means of revelation—so long, that for him there never had been any other legitimate means. The Deuteronomist, as Judaism after him, is separated by an impassable gulf from the priestly oracle of earlier days. Moses, accordingly, was for him not a priest but a prophet, the first and the greatest of the prophets:

> When thou art come into the land which Yahwe thy God giveth thee, thou shalt not learn to do after the abominations of those nations. There shall not be found among you . . . a diviner, or a soothsayer, or an enchanter, or a sorcerer, or a charmer, or one that consulteth a ghost or a familiar spirit, or a necromancer. For whosoever doeth these things is an abomination unto Yahwe. . . . Thou shalt be straightforward with Yahwe thy God. For these nations that thou art to dispossess hearken unto soothsayers and diviners; but as for thee, Yahwe thy God doth not permit thee so to do. A prophet will Yahwe thy God raise up unto thee, from the midst of thee, of thy brethren, like unto me; unto him shall ye hearken; just as thou thyself didst ask of Yahwe thy God in Horeb in the day of assembly, saying, Let me not hear the voice of Yahwe my God, neither let me see this great fire any more, lest I die. And Yahwe said unto me, They have well said. I will raise them up a prophet from among their brethren, like unto thee; 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.

So we read in a section which is as integral to Deuteronomy as any in the book (18 9–19). The whole Jewish theory of revelation is contained in these words—centuries before Josephus and Baba Bathra.

I have not time to pursue the subject further. Let me merely point out that, with the publication of Deuteronomy and its incorporation in the literature of prophecy, there was established the second of the only two existing categories of Jewish Holy Scripture; the second in point of time, but that which from the nature of the case became dominant in the organized religious life of the community. The one consisted of the "initial," constitutive, and so primary, prophecy of Moses; the other of the "subsequent," confirmatory, occasional, and so secondary, prophecy of the prophets who came after Moses. These are the only two classes of Holy Scripture known to Judaism.

The prophetization and incidental statutization of the law begun by the author of Deuteronomy was vigorously pushed forward in the two following centuries. What D began was continued by the authors of the Holiness and Priest Codes and the diaskeuasts who succeeded them. None of them did anything, in principle, but codify under the formula of Mosaic revelation the laws and practices of their time. The P Code was not written in Babylonia out of the head of its author. It registered and so stereotyped the law and ritual of the Second Temple. Most of all law is old law, and if law is to be respected it must always be so. Only, into every codification there enters the personal equation of the codifier. This was as true of the Code of Hammurapi as of the Priestly Law.

We do not know the precise date of the redaction and publication of the Pentateuch. The story of Nehemiah 8 has reference, in my judgment, to the Pentateuch, not to the separate P Code; but it is of doubtful historicity. In any event, the book must have been published some considerable time after the restoration of the temple, and some considerable time before the consummation of the Samaritan schism. A date about 400 B. C. cannot be successfully gainsaid. The Pentateuch was not a "canon,"

but an *edition*. It aimed to include everything Mosaic, by no means everything that at the time was Holy Scripture. It represents a stage in the process of supplementation and redaction of the Law, and in the event proved definitive because of its employment in the synagogues of Palestine and the Diaspora, as well as by the sect of the Samaritans. Only very gradually did the notion take shape that Moses was the author not only of the laws but also of the narrative in which they were framed.

Like the Pentateuch, the so-called Prophetic Canon too was originally an edition, rather than a canon, in the sense of an inclusive and exclusive collection of sacred writings. It was compiled and issued not long before the close of the third century. No one of the books it contains ever existed in just that form apart from all the rest. This is quite as true of Isaiah, Jeremiah, Ezekiel, and the Twelve, as of Joshua, Judges, Samuel, and Kings. The edition aimed of course to be comprehensive. But there was no pronouncement upon the subject. So that actually the category of Holy Scripture was left open, as it had been since pre-exilic times. The tendency both then and later was to be as inclusive as the doctrine of inspiration would allow.

Fortunately for us, the contents of the Old Testament do not answer to the Jewish theory of the origin and constitution of Holy Scripture. They do not answer to anything so abstract as a category of human thinking. The architects of the Old Testament builded far better than they knew. They have left us a record as varied and complex and inexhaustible as life itself—a unique and priceless cinematograph of a thousand years of time, during which the mind of an ancient people wrestled with its idea of God.