

# Theology on the Web.org.uk

*Making Biblical Scholarship Accessible*

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

[PayPal](#)

<https://paypal.me/robbradshaw>

---

A table of contents for *Bibliotheca Sacra* can be found here:

[https://biblicalstudies.org.uk/articles\\_bib-sacra\\_01.php](https://biblicalstudies.org.uk/articles_bib-sacra_01.php)

## ARTICLE IX.

## CRITICAL NOTES.

## THE TIME OF THE DEATH AND RESURRECTION OF JESUS CHRIST.

THE life of Jesus Christ on earth was but short, yet so important that it has become the central point of the history of all ages. His death and resurrection were the most important events in his history. The time in which they occurred was very short,—not quite one week. Yet that short period has occupied the attention of the best expositors in Christendom for centuries, and they have entirely failed to harmonize the history as related by the four Evangelists. Tholuck, in his Commentary on John, says: “The larger portion of the modern critics have been led by an examination of this subject to the ultimate result, that there must be a mistake on one or the other side, either on the part of John or on that of the first three Evangelists” (p. 303).

This is a very serious charge against the inspiration and authority of the Evangelists. If they made mistakes at such an important period regarding so short a time, how can we trust their larger history and doctrinal teaching? Are the critics, expositors, and harmonists infallible? May they not be mistaken? Have they fully considered all the facts related by the Evangelists? Have they not substituted their own opinions, or those of the ancients, instead of the facts stated by the Evangelists? I believe, that when all the facts are duly considered and properly represented, it will be found that the four Evangelists are in perfect accord. I have searched widely and diligently, for many years, the works of the learned on this matter, but have not succeeded in finding one who has taken into account all the facts, and properly used them. I will state the facts, and then proceed to harmonize them.

1. That the last supper which Jesus ate with his disciples was not the paschal supper proper. He did not eat of the paschal lamb.
2. That he was crucified on a preparation day before a Sabbath. But that Sabbath was a ceremonial, or Passover, Sabbath, and not the seventh-day Sabbath. That he lay in the grave over two Sabbaths, the paschal and weekly.
3. That he predicted he would be in the grave three days and three nights, which must mean, by fair reckoning, seventy-two hours.
4. That he was buried before sunset on the same evening of the crucifixion, the light yet remaining in the firmament belonging to the Sabbath which was about to begin as they finished burying him.
5. That the two women Mary Magdalene and the other Mary came to the

grave at very nearly the same time of day at which Jesus was buried, before sunset in the first watch, which began at six in the evening. But Jesus had risen, the earthquake had passed, and the guard who had been set to watch the grave had left for the city, before the women arrived.

6. Cleopas, on his way to Emmaus on the first day of the week, spoke of the third day as already past.

If these facts can be substantiated, then will appear clearly the harmony of the four Evangelists.

1. The last supper which Jesus ate with his disciples was not properly and fully a paschal supper; there was no lamb on the table at that supper.

It is very evident that Jesus intended to eat the Passover with his disciples, and that he ordered them to make preparations to that effect (Matt. xxvi. 17-30; Mark xiv. 12-25).

Some are very positive that the last supper eaten by Christ and his apostles was the real paschal supper. Jesus and his disciples met in the upper room, and did eat a supper. But I see no sign of a lamb, the chief thing in the paschal supper. There seems to have been only bread and wine at their supper; no allusion whatever to any kind of meat. Why? Because it was not there. I think we are not to take Matt. xxvi. 19, "and they made ready the Passover," in the fullest sense; for Deut. xii. 26 and xvi. 2 say particularly that the paschal lamb was to be sacrificed "in the place which the Lord shall choose to place his name there." The disciples therefore could not kill the lamb: all they could do was to get ready the unleavened bread and the fruit of the vine that first day of unleavened bread. Luke xxii. 15 says: "And he said unto them, With desire have I desired to eat this Passover with you before I suffer." Though this is taken by some as a proof that he did actually eat it, the reverse seems to me the fact. If he did eat it, what could he mean by saying that he strongly desired what he was then enjoying? We do not find elsewhere in his whole history that he depended so much upon a physical enjoyment or religious ceremony.

But if the paschal supper was yet future, we can see the reason of the expression in his desire to benefit others. He had desired to live over the time of the Passover so as to benefit the millions then present at Jerusalem by his miracles and preaching. He had desired that the high priest and Jewish leaders, as well as Judas, might be filled with love to God while commemorating his wonderful kindness to them as a nation. Instead of that, he found them conspiring to kill him whom God had sent to deliver men from their sins. He was disappointed, for they had worked their plans so skilfully that they might kill him before the time to eat the Passover with his disciples, or to preach to and heal the multitudes at the feast. The fact that Jesus and his disciples went out at night after their supper proves that it was not the paschal supper, for no one was allowed to leave his house till morning (Ex. xii. 22). Expositors generally allow and maintain that the supper of which John speaks in chap. xiii. 1-30 is the same as that described in Matt. xxvi. 20-25; Mark xiv. 17-21; Luke xxii. 14-18. Robinson in his Harmony puts them together, calling

both, "evening introducing the sixth day of the week." Neander and Elliott describe them as one. I think they are right. It is difficult, if not impossible, to prove they are different.

But John says expressly, that the supper of which he speaks was before, or earlier in time than, the Passover (xiii. 1). Consistent with this, in chap. xviii. 28 he says, that at the trial of Jesus the Jews had not eaten the Passover. Moreover, he informs us that after that supper Jesus washed the feet of his disciples, which he would not have done after eating the paschal lamb, for that supper was always the commencement of a Sabbath (Ex. xii. 14-17; Lev. xxiii. 5-8; Num. xxviii. 16). Again: the Passover was to be eaten in or near the sanctuary, not in a private room (Deut. xvi. 5-7). There is no hint anywhere in the Evangelists that Jesus did eat the Passover too early, or the Jews too late, that year, which would most likely have been noticed by some one, had such been the case, as many argue. But since the supper mentioned by the Evangelists was evidently not the paschal supper, there was no clashing. There is perfect harmony between the Evangelists on this point. John says, the disciples thought that Jesus commanded Judas to buy what was wanted for the feast, yet future, when he said, "That thou doest do quickly."

But it may be asked, Why did not the first three Evangelists distinguish the last supper from the Passover, as John does? The ceremonial law commanded several preparations before eating the lamb; cleaning the house, casting out all leavened bread, preparing unleavened bread. "In the first month, in the fourteenth day of the month, at even, ye shall eat unleavened bread, until the one and twentieth day of the month at even" (Ex. xii. 18). Many expositors maintain that the Jews in the time of Christ called the whole week the Passover, whereas the eating of the paschal lamb was properly the Passover. The three Evangelists therefore may not have deemed it necessary to mark the distinction. Thus not only are the four Evangelists in harmony, but also Christ and Moses, whose commands he did not violate.

Christ, our Passover, then, was slain on the same day as the Jews slew their lamb of the Passover. He was slain earlier in the day, thus rendering the death of paschal lambs forever unnecessary. The Lord's Supper was ordained before the time of the Passover, not as an addition to it, as is generally supposed. The Greek Church maintains that Christ was slain on the same day as the paschal lamb. In this they seem to be right. It is evident that casting out the leaven and preparing the unleavened bread must have been done the day before that on which the lamb was slain. Therefore they began to eat unleavened bread, of necessity, with the beginning of that day, and not with the beginning of the day on which the paschal lamb was eaten. Otherwise there was no time for them to sanctify themselves after cleaning the house. Jesus and his disciples could not have any other bread than unleavened for their last supper, though it was not the paschal supper.

2. Christ was crucified on a preparation day before a Sabbath, but that Sabbath was not the seventh day. For he lay in the grave over two Sabbaths, the paschal and weekly. I think that Tholuck is mistaken in the fol-

lowing statement: "All the four accounts concur in the statement that the Redeemer was crucified on Friday." Though many learned men think the same, I cannot find that one of the Evangelists mentions what day of the week he was crucified. Some of them say it was a preparation day to be followed by a Sabbath. But was it the weekly or a ceremonial Sabbath ordered in connection with the Passover? (Ex. xii. 16; Lev. xxiii. 7; Num. xxviii. 18.)

I think Calvin is right. "For John says plainly, that the day when he was crucified was held by the Jews for the preparation; not for the weekly Sabbath, but for the Passover." "Further, they went not into the judgment hall, lest they should defile themselves, because the next day they were to eat the Passover. I know that many men do seek for shifts, but they are such as avail them not. For this cannot be shifted over by any cavil. They kept not their feast on that day in which they crucified Christ (for it would not have been lawful for them on that day to execute any man); therefore they held the preparation, so that, after the burial of Christ, they might eat the Passover."<sup>1</sup>

The twenty-four hours at the beginning of which the paschal lamb was eaten, were by the law of Moses a Sabbath, on whatever day of the week it might happen. If this be kept in mind, it will become easy to harmonize every statement made by the Evangelists in this short, misunderstood, and sadly misinterpreted history. If denied, confusion will continue as heretofore.

Rev. J. R. Aldrich, who has written a large book to prove that Christ was crucified and buried on Thursday, shows from Jewish authorities that the ceremonial Sabbath was more sacred than the weekly Sabbath.<sup>2</sup> He uses some strong arguments against the Friday theory, but fails entirely to prove that Christ was crucified on Thursday, which is his theory.

3. Christ predicted he would lie in the grave three days and three nights, which by fair and full count means seventy-two hours.

The supposition that Christ was crucified on Thursday or Friday is evidently wrong, for he said distinctly that he would remain in the bowels of the earth three days and three nights (Matt. xii. 40); that he would rise on the third day (Matt. xvi. 21) at the end (*μετά*) of three days (Mark viii. 31). His enemies understood him literally; for, they said unto Pilate, that he said he would rise at the end of the third day, and they wanted the grave guarded until the third day was over (Matt. xxviii. 63, 64). Had he risen sooner, they might have accused him of having deceived them or pleaded that he was not dead. Paul also said that Christ rose the third day (1 Cor. xv. 4). Therefore I must insist that he was in the grave three whole days and three whole nights, or that he misled his hearers. A theory must account for all the facts before it can be accepted. The theory that Christ was buried on Thursday or Friday, and that he rose Sunday morning, fails at every point, as it does not give us three days and three nights.

4. Christ was buried before dark on the same evening before the crucifixion; the light yet remaining in the firmament reaching unto, or shining

<sup>1</sup> Commentary on a Harmony of the Evangelists, Notes on Matt. xxvi. 17.

<sup>2</sup> Mishna Pesachim, iii. 6; vi. 1; Jesus Pesachim fol. 33, 1.

upon, the Sabbath that was about beginning as they finished burying him. As all expositors, critics, and harmonists agree on this fact, it is not necessary to try to prove it, only call attention to the words used by Luke to relate it: *καὶ σάββατον ἐπέφωσκε*. And the Sabbath (singular) drew nigh, or it was about to dawn into the Sabbath. It is supposed that the sun did not set till 6.15, therefore there were fifteen minutes of sunlight, besides the sun's reflection, remaining for that Sabbath.

5. Mary Magdalene and another Mary came to the grave about the same time of day as that in which Jesus was buried, while the light of the previous Sabbath yet shone on the succeeding workday; but they found, even then, only an empty grave. Jesus had already risen from it. The account given by Matt. xxviii. 1 of the visit of the two Marys to the grave enables us to get very near the time of the resurrection. It is the only time well defined in the whole history. Matthew says that they came in the *ὀψέ*. This term is everywhere else in the New Testament translated first watch, from six in the evening till nine at night. The two Marys were at the grave *ὀψέ δὲ σαββάτων* (plural), the first watch after the Sabbaths. Therefore they must have been there between six and nine o'clock on Saturday night, according to our reckoning, or, as Sunday was beginning, according to Jewish reckoning. But the grave was empty when they came. The earthquake had passed, and the soldiers had gone to the city.

Some have tried to prove by *ἐπιφωσκούση* that the resurrection took place at daybreak. But we have seen already that Luke xxiii. 54 has the same word in another form to denote the time when Christ was buried. These are the only two places where the verb is used in the New Testament. Why not therefore give them the same meaning? If Luke says that Christ was buried at the end of a workday, as the Sabbath was commencing, or while the sun was yet shining in the firmament before setting, Luke says the light belonged to the Sabbath then beginning. Why not, then, allow Matthew to say that he arose at the end of the Sabbaths (plural), while the light still shone, at the beginning or first watch of a workday? By using *ὀψέ* and *ἐπιφωσκούση*, Matthew enables us to be more certain of the time of the resurrection, that it took place in the evening, than we are from Luke's account that he was buried in the evening.

It seems evident that he arose about the same time of day that he was buried, before sunset, or at least before it had become quite dark before night, and not before dawn in the morning. The two Marys came to the grave as soon as the Sabbath was over, taking advantage of the light that yet shone or remained from the previous day; but Jesus had left before they came. Luke and Matthew probably chose the verb *ἐπιφώσκω*, to shine, or dawn, because the sun had not set at six o'clock in the evening; or, if it had set, its reflection still remained, and that shining belonged to the twenty-four hours then commencing, whether Sabbath or workday. It had not gone quite dark, according to Luke, when Christ was buried. Neither had the light of the previous day quite vanished, according to Matthew, when the two Marys came

first to the grave. Thus we have the time of the resurrection very nearly fixed. It is indeed more certain than the time of the burial. It was about the beginning of the first watch in the evening, and before or about sunset, while it was yet light. I think every scholar must agree with this, and then we have a real starting-point. It is no wonder that the other women who came to the grave *πρωι* in the fourth watch did not find Christ in the grave, for he had risen from six to twelve hours before they came. Though no man or woman saw him rise, yet, inasmuch as he had risen before the two Marys came to the grave, a little after six o'clock, Saturday evening, it is highly probable that he arose the same time on Saturday as he had been buried some evening before.

Reckoning back, therefore, three days and three nights, we find for certain that he was crucified and buried on Wednesday, and not Thursday or Friday. The assertion that the Jews often used a part of a day and night to denote the whole utterly fails of proof when examined. There is no instance in Scripture, when rightly interpreted, bearing out this assertion. But were it true, it would prove nothing in this case, seeing that Christ rose at the same time of day at which he was buried, in the end of the Sabbaths, in the evening, and not in the morning of the first day of the week, as the Friday theory requires. Christ himself did not reckon part of a day as a whole, for he said that there were twelve hours in every day, and in the parable of the vineyard he showed that the Jews of his time did not reckon an hour as equal to a day (John xi. 9 and Matt. xx. 12). He would surely, therefore, not have said that he would remain in the grave three days and three nights, when he meant to be there only half that time.

6. Cleopas, when on his way to Emmaus, on the first day of the week, speaks of the third day as already past. Cleopas did not say, as generally translated, "It is now the third day"; but, "To-day brings (*ἄγει*) the third day." He used an active verb, not a neuter. Elsewhere in the New Testament *ἄγω* refers to another than the person or thing then present or acting (Acts xxii. 5). Paul says he went to Damascus to bring (*ἄξω*) bound to Jerusalem the disciples of Jesus. Luke xix. 27 says: "But those mine enemies, which would not that I should rule over them, bring' (*ἀγάγετε*) hither." Though the verb is found seventy-one times in the New Testament, it is not translated *is* anywhere but in Luke xxiv. 21, a strong presumptive proof that it is not rightly translated here. The day on which Cleopas spoke was the fourth, but it brought with it the third day as already past. The third day of which he spake was a different day from that on which he was speaking.

If the above reasoning is right, then Christ was buried, about six o'clock, on Wednesday, while the sun was yet shining (*ἐπέφωσκε*), Luke xxiii. 54), that day being a preparation day for the Passover Sabbath (John xviii. 28), which commenced when the Jews ate the paschal lamb (Lev. xxiii. 5, 6). The next day after the Passover Sabbath, Friday, was preparation day for the weekly Sabbath. On that day the women could buy the spices and ointment. Thus are harmonized Mark xvi. 1, which says that, when the Sabbath was past, Mary Magdalene, and Mary the mother of James, and Salome, brought

sweet spices (after the Passover was past), and Luke xxiii. 56, which says that the women returned from the grave, and prepared spices and ointment, and rested the Sabbath day (the weekly Sabbath), according to the commandment. The two Evangelists, one speaking of the first Sabbath (Passover), the other the second (weekly), leave Friday free for the women to prepare, whereas the Friday theory gives them no time, except the Sabbath, and involves the two Evangelists in hopeless contradiction.

Again, on the second preparation day, Friday, near the end, *μετὰ τῆς παρασκευῆς* (Matt. xxvii. 62), the chief priests and Pharisees had time to go to Pilate to ask him to have the grave guarded, which was done by soldiers all day, on the seventh day (Sabbath), till they were relieved by the angel.

It is incredible that those men who had always found fault with Christ for even healing and doing good on the Sabbath day, would go on that day to Pilate on such a business as asking for a guard. But the Friday theory gives them no other time but the Sabbath, since they could not know where he was buried before the Sabbath began. But if buried on Wednesday, then they had Friday free for their plans. This also harmonizes John xviii. 28, who says that the Jews had not eaten the Passover, with the other Evangelists, who do not say that Jesus did eat the Passover, but that he had ordered preparations to be made for it, and expressed deep regret that he was not allowed to eat it; that he did eat a supper, which John says expressly was before the Passover, and which appears from the other Evangelists to have consisted of only bread and wine. Then comes the visit of the women to the grave.

If they all came for the first time in the morning, Matt. xxviii. 5-10 contradicts Mark xvi. 1-8. In Matthew the two women do not enter the sepulchre. In Mark the three women do. But if we allow that Matthew states what took place in the first watch, before it was fairly dark, and Mark what took place in the fourth watch, about daylight, then there is no conflict. Luke's account (xxiv. 1-12), like Mark's, seems to refer to the morning visit; as does also John xx. 1-18. It seems that Mary Magdalene came to the grave, the second time, in the fourth watch, saw the stone rolled from the grave as before, then went and told the disciples that Jesus had been taken from the grave. Peter and John, though not believing her, were stirred to visit the grave.

Why did she come the second time? Did she doubt the word of the angel, or doubt her own senses, whether she had really seen an angel? Or was she bewildered by the doubt, unbelief, and mockery of the others, so that she became uncertain in her own mind whether he had really risen or been stolen?

*Utica, N. Y.*

R. G. JONES.

## II.

### ANOTHER RENDERING OF ROMANS IX. 3.

THE rendering of this passage in the Authorized and Revised Versions is adopted by nearly all the commentators, including Stuart, Hodge, Calvin, and Barnes. They assume that the original is capable of but one construction, but the objections to the common interpretation are so great, that, after careful examination, I am convinced it cannot be the true one.



1. The verb is in the indicative, not the optative, mood, and imperative necessity alone can justify the giving the sense of the optative to the indicative. The classics are appealed to as authority for this anomaly. Whether the examples cited require such a rendering can be decided only by the connection. The sense of the passage must determine it. But even if such an occasional construction in the classics, and that too in poetry, were allowed, it would not follow that in a plain prose sentence in the New Testament we must give to the indicative the sense of the optative.

Two other passages in the New Testament are quoted in proof that the indicative is used for the optative. Thus (Acts xxv. 22), "I also could wish to hear the man myself." Agrippa had doubtless heard much of Jesus, as well as of Paul, and now, being informed by Festus that the apostle had been accused by the Jews, the king says, "I wished, or was wishing, [ἐβουλόμην] to hear him myself." As if he had said, "Is this the Paul of whom I have heard so much? It has been my desire to hear him, and I am glad of this opportunity." Again, in Gal. iv. 20, according to the Revised Version, "I could wish [ἤθελον, imper. indic.] to be present." The common version renders it by the *present*: "I desire." But why should not the imperfect indicative here have the usual sense? Paul says: "I desired [that is, from the time that I heard of your defection from the gospel] to be present with you."

2. The next objection to the usual exegesis is that it makes Paul willing to be excluded from all hope of salvation, involving not only endless suffering, but also positive enmity toward Christ forever. We can conceive that Paul might be willing to endure all temporal evils for the sake of his brethren, even to the sacrifice of his life. This, Mr. Barnes says, is all that is meant, repudiating the idea that the apostle is willing to be lost forever. But this cannot be the meaning, for the most intense physical sufferings might be endured without separation from Christ.

Calvin says: "The additional sentence proves him to be speaking, not of temporal, but eternal death. Does not separation from Christ mean being excluded from all hope of salvation?" Haldane remarks: "The law requires us to love our neighbor *as* ourselves, not *more* than ourselves, which would be the case, if to promote his temporal or spiritual benefit, we desired to be eternally miserable. Moreover, not only eternal misery, but desperate and final enmity against God, is comprised in Paul's wish, as it is generally understood."

So repugnant is this, that those who favor the usual interpretation contend that it does not involve the inference alleged. But I see not how such an inference can be avoided; for if separation as a curse from Christ does not mean, as Calvin says it must, exclusion from salvation, what does it mean? If, as is admitted, it does not mean temporal, physical suffering, and if it cannot mean that Paul was willing to be banished from Christ as one accursed, what idea can be attached to the language? The reply is, that Paul does not say he is actually willing thus to be cut off from Christ, but only that he would be willing, were it proper, and if by making this sacrifice he could save his

brethren ; that it is merely a case supposed or stated, to illustrate or express his intense love for them. But such a case is certainly not even to be *supposed*, as the sacrifice involves not only eternal suffering, but eternal sin.

This exposition being rejected, we must seek another. Such a one, and one perfectly natural, is at hand. Remove the comma after *μου*, "my," at the end of verse 2, connect "my brethren's sake" by the preposition *ὑπὲρ* with "heart," and enclose the intermediate words in a parenthesis, and the whole will read thus: "I say the truth in Christ, I lie not, my conscience bearing witness with me in the Holy Spirit, that I have great sorrow and increasing pain in my heart (for I myself did wish to be separated from Christ) for my brethren."

This construction was proposed and advocated by the late Dr. S. H. Cox, and Dr. Robert Haldane of Scotland. The latter, instead of *wish*, renders the Greek verb *boast*—"For I myself boasted, or made it my *boast*, to be separated from Christ," and says there is for this the "most unquestionable authority," especially in the sixth book of the Iliad.

There is another point confirmatory of this view. It is in the use of the demonstrative pronoun. Thus *αὐτὸς ἐγὼ*—"I myself"—not reflexive, as both the English versions make it, but an intensive form of the grammatical subject. The meaning is: Even *I myself* used to desire to be separate from Christ. This intensive form just meets the case as he thought of his own people, and assigns his previous enmity to Christ as a reason for his present sorrow on behalf of his brethren. As if he had said: "I was, like you, mistaken in regard to the person and character of Christ: I hated him as you now do. I proudly rejected him, and wished to have no part with him; yea, made my boast of being separated from him. But having been brought to believe that he is the true Messiah, and to trust in him alone for justification, I pity you in your blind unbelief, and earnestly long and pray for your salvation."

This interpretation makes no change in the text, but simply encloses some words in a parenthesis. It allows the usual sense to the indicative mood, avoids the imputation to Paul of an improper desire, and, what is important, connects the preposition *ὑπὲρ*, "for," with the clause where it naturally belongs. Otherwise, by the common construction, Paul says: "I have great sorrow and unceasing pain in my heart," without intimating for whom or for what. "It is evident," says Haldane, "that the words *for my brethren* form the conclusion of the above expression, '*I have great sorrow and unceasing pain in my heart.*'"

The use of the parenthesis can form no objection to the view here presented, for Paul is wont to include important truths in parentheses, sometimes long and involved; and even one parenthesis within another, as any careful reader of his epistles has doubtless observed. But this in the passage under consideration is perfectly simple and obvious.<sup>1</sup>

Orange, N. Y.

SAMUEL HUTCHINGS.

<sup>1</sup> The above rendering was submitted to the late Dr. H. Crosby, who replied that he agreed with me, and that he had given the same in his Commentary on the New Testament.

## III.

THE PRIORITY OF NATURAL LAW.<sup>1</sup>

DURING the last few centuries, and especially in our own time, pulpit orators and apologists have been pointing to the achievements of Christianity as among the most convincing evidences of its divine origin. Hospitals and schools, charitable organizations for the care of the homeless and friendless, have in turn served as examples for illustrating their theme, with the amenities of war and the growth of international good feeling. What will the church do, if a certain school of modern thought succeeds in imposing upon the coming age the theory, that, instead of taking their rise from the teachings of Christ and the law written in man's heart, these refinements of brotherly kindness and charity, these laws and precepts, are but the results of the same evolutionary process which frames the man out of an ape?

Fortunately the peril is not so great as it may seem to be. The rank and file invariably refuse to interest themselves in the theories of scholars, when the position taken by the savants in question sets aside all natural interpretation in order to assume an explication which is as refined as it is laborious. Meanwhile, for the sake of science and truth, it is proper to join issue with these advanced thinkers, to test their arguments and review their formulas. If there is aught of good in what they have said, it must be culled and treasured; if their facts, though specious, seem to be founded on error, such must be accorded their true value.

In this fair-minded spirit, Christian publicists have considered and met the various propositions which from time to time spring up in apparent opposition to the claims of an all-conquering religion which dates the amelioration of the condition of men as they exist in the state, with its own inception. In a similar spirit it is desired in this note to treat the arguments which many French and German professors are at present championing, regarding the origin and development of that masterful system which is still so incomplete as to be uncoded, and whose concern reaches beyond the realm of the individual, and deals with sovereign states,—international law.

These arguments contend that positive law antedates natural law. However short-sighted the reader may be, once familiar with the terms, he will readily see how far-reaching would be the results of their triumph. The positive law of nations is the collection of rules recognized, by those subject to its articles, as obligatory. It is the written, the enacted law; the mass of statutes, of precedents, of treaties, which govern the relation of states. Natural law has been considered until recently to be the law which is written by the finger of God on the heart of man. It has seemed reasonable to suppose that individuals, and social aggregations of individuals called states, were both governed by conscience, and the inner faculty that stamps with approval every rightful act, while it brands the wrong; that men, listening to the voice of

<sup>1</sup> A reply to M. Chauveau, Professor in the School of Law of Algiers.

their Author within the breast, and gathering in communities for convenience and safety, wrote on tables the precepts which their inner consciousness recognized; that these laws, constantly changing and shifting in their less material parts, to meet the needs of a more complex civilization, were thrilled with new life by the revelations of divine law through the personal teachings of Christ; and that, finally, states as individuals had been roused, by the active christianizing influences of the last few centuries, to recognize the same law that governed man, as applicable to themselves. If the facts are opposite, if such reasoning is obsolete and foolish, then it is time for the clergy to eliminate from their treatises such arguments as set forth revelation as the potent cause from which all the triumphant results of the nineteenth-century comity and courtesy in international relations have sprung.

Monsieur Chauveau, Professor in the School of Law of Algiers, the admirer of Holtzendorff and A. Rivier, has no doubt that past positions have been erroneously assumed. In his recently published book upon "Le Droit des Gens," arranged as an introduction to public international law, he seriously argues the question; and, since he is an able exponent of this newer school, his statements may, in a general way, be taken as representative of the theory of those who antagonize the *a priori* character of natural law. Positive law, in the mind of this savant, plays a rôle superior to that which is ordinarily assigned to natural, or, as Phillimore would have it, divine law. Scouting the opinion of Puppendorff, that the latter was "l'element unique du droit des gens," he boldly declares that it is only after the history of institutions and their progressive development is made known, only after we have studied comparatively the law of diverse nations, that we are able to arrive at the broad synthesis "which has given birth to natural law." This latter name he does away with, preferring "droit théorique" as a title. Whether or not this takes the place of the more familiar term, is for the reader to judge. Probably the average student will agree that the coined phrase is adapted to introduce the French author's chapter upon "La Critique Scientifique," but it is probable that he will also confess that the following line of thought is devoted to the consideration of a subject somewhat different from that which we are accustomed to read after the more familiar title.

But let us listen to M. Chauveau.

When the precepts of positive law have been determined, and have practically fixed certain rules in the domain of international relations, he tells us that it is convenient to discuss the value of these rules, see whether they are adapted to all occasions, and whether, if they cannot be modified, they may be ameliorated. In other terms, "après avoir établi ce qui est, on doit rechercher ce qui devait être." There are two stages in this search for a more perfect code of laws. In the first stage is the critique, having for an end the ascertaining whether existing laws are in accord with the development of the judicial conscience of the people and with the exigencies of the hour. At this period one seeks to formulate *desiderata* of the science which would appear to be immediately realizable. In the second stage, we come into the domain of

speculation ; build for ourselves ideals, and seek to find the bounds of a golden future in which not only shall the inhabitants of a given region live peaceably side by side, but which shall herald in " a parliament of man, a federation of the world."

That there is a process continually going on in the realm of international law which critically searches out the faults, and tends towards the realization of such schemes as were considered by our sires as mere dream stuff and Utopian, is not to be doubted. The science itself, the child of modern thought and effort, abundantly proves this with its unparalleled progress during this century. But that this process has no cause beyond the critical analysis of a positive system found to be ill adapted to the present need, or the day dreaming of a mind which is stimulated alone by yesterday's material triumph, is a theory which on its face is unsatisfactory to most minds.

Why this unrest, this reaching out into the future, this dissatisfaction with that which exists? If the conditions changed with each age and generation, if new goals were constantly being set for our mastery, we should be more inclined to listen to the new teaching ; but it is hard to deny the fact, with the pages of antiquity before us, that, however he exerted himself to bring about a better condition, man in remote times was cognizant of a possible state hardly less perfect than that which the most poetic of moderns may trace in fancy. This being so, it seems preferable to accept such teaching as recognizes in the human-breast, and in direct revelation, not alone an inspiration to achievement, and to the casting of laws, but a sure gauge by which these laws may be tested.

Again, given the order which M. Chauveau champions, where and when in the process of evolution did man establish his first positive law, and what could have dictated such action? Even his school acknowledge that the improvement in laws and codes, the growth of jurisprudence, the first application of the same laws which govern man in the particular, to the relation of states, has been brought about through *droit théorique*, which approximates to what we call natural law. It is strange that, confessing this much, they will not assent to the position that this latter is also prior in its field, rather than secondary.

To be logical, our adversary must prove that this *droit théorique* has not always exercised its humanizing influence. He must point to a period in which it commenced its work ; also, he must in some general way indicate hypothetically, if not absolutely, what the primitive laws were upon which its refining influence was exerted. If he cannot consistently do this, and he does not, we are hardly to be expected to follow him, especially when more reasonable theories are before us.

What we need is authority and a " reason for the thing," in order to satisfy our minds. Both are found in a recognition of God and a revelation from him. Granted that there is a Deity, and an unalterable law emanating from him, and no perplexity need confront us. We have the great Author of the science in the very beginning, guiding and overruling, giving glimpses into

the future, and constantly animating men with a new zeal to reach that which he has set before their eyes as a perfect goal. At the very outset, man catches the bent of this teaching, but fails to reduce it to a code under which he must live and work. Still he reaches out for the perfect status, which he knows it is right for him to seek after. As the French lawyer suggests, once drawn, his enactments fail to satisfy the inner sense—he cannot be content; so he toils on, seeking for new light, thus keeping in the way of achievement, but always recognizing the foundation upon which the proud structure he erects is reared, and giving the glory, not to blind force, but to the Creator.

Phillimore has said, Positive law, whether national or international, being only declaratory, may add to, but cannot take from, the prohibitions of divine law. Is he not right in his judgment? Is not positive law, changeable and shifting, but the imperfect scroll upon which men have sought to engross the testimony of revelation?

Let us presume so. If we accept any other hypothesis we shall have grave difficulties to grapple with, both in private law and in the domain of the law of nations. It is difficult, even if the starting-point be indicated with sufficient clearness, to comprehend how individuals can be controlled in the state, when they once come to understand that the statutes and law are but the result of an evolutionary process, and but a convenient medium through which the greatest good of the greatest number may be secured. It is still more difficult to comprehend how states having little in common, with innumerable antagonistic interests, are to be successfully organized into an international league which shall indicate and maintain peaceful relations, when the factors which give them character recognize no higher law than what certain writers are pleased to call necessity, a law which does not always work for good if man is still admitted to be a free agent.

Refuse, however, to accept theories leading to conclusions which have been touched upon; recognize a moral judge to whose final court man is responsible, a judge who is none other than the God of revelation; concede an Eternal Being to whom states must bow the head, however stiff-necked, one to whom kings and republics alike must bend, although there be no human arbitrator, judge, or court lofty enough to require their obedience,—and you have a system which is not alone an explanation of the triumph of law as noted by the Christian preacher, but a mighty assurance of such progress in the future as shall vindicate the reasonableness of our fondest expectation.

*Boston, Mass.*

DANIEL CHAUNCEY BREWER.

#### IV.

#### TWO SUGGESTIONS AS TO THE "STORY OF THE SPIES."<sup>1</sup>

1. As to the greater prominence given to Caleb over Joshua in the account as it stands in Numbers xiii. and xiv., the two men occupied quite different positions, and the differences were such as had important bearings on

<sup>1</sup> See March and May numbers of *The Biblical World* for 1893.

the matter in hand. Joshua was Moses' personal attendant, his "minister," and was in some respects more closely associated with him than was any one else in the camp. When Moses rose up to ascend the Mount, Joshua his minister rose up with him (Ex. xxiv. 13). How far he accompanied him, we are not told; but on the way back Joshua is with Moses, and ignorant of what had been transpiring in the camp (compare Ex. xxxiii. 11). His position with Moses on the Mount may have been like that of Peter, James, and John with Christ on the Mount of Transfiguration, or in the Garden of Gethsemane. He seems to have been in training to be Moses' successor, just as Elisha, when in training to be Elijah's successor, became his personal attendant. That this was the case with Joshua, and that it was understood to be so, derives some added probability from the fact that Joshua led the hosts when Israel fought with Amalek. His relations to Moses were both intimate and important. Hence, in any controversy which might arise between Moses and the people, the circumstances in which Joshua was placed, would commit him to Moses' side. It would require no special courage or fidelity in him to stand by Moses; but it would have been specially base in him to have gone over to the other side. But Caleb was one of the people, and belonged naturally on their side; and, furthermore, his tribe Judah, and Ephraim the tribe of Joshua, were the two leading and rival tribes. Americans have little experience of what rivalry is among clans and tribes, or what courage it takes to rise above it, or what baseness is thought to mark the man who is not true to his own clan. Neither have we experienced how sure such rivalry is to exist wherever tribes or clans are found. Had Caleb been like the ten cowardly spies, jealousy would have put him at their head. It was his loyalty to God's appointed leader, his faith in God, and his manly courage, and these alone, in the face of strong counter-influences, which brought him to the side of Moses. He was rewarded for being faithful where *all others like circumstanced* were unfaithful.

Again, in a political campaign, for instance, the arguments of the various candidates carry much the less weight because they are partisans. So the Israelites regarded Joshua as the henchman of Moses. If, furthermore, the leading men of the other tribes were jealous of him, this would still further embarrass his action, and compel him to keep somewhat in the background. Caleb's support of Moses would be far the more effective of the two; and it would also be all the more effective, as well as more heroic, because he himself was taking the lead, instead of following in the wake of Moses' minister. No man situated as Joshua was, could have taken Caleb's place. Caleb failed indeed to stay the panic; but the effect of his example, with his promised reward, on the morale of the next generation must have been very beneficial: and when the hale old hero led forth Judah to the battle, that one grey head was better than a thousand banners. Joshua's testing came not at this juncture, but at the time when the death of Moses put him in chief command. He proved equal to the test; and he too received his portion as the reward of a faithful leader (Josh. xix. 49, 50). But does not the greater prominence given

to Caleb in "The Story of the Spies" befit the situation? Is it not one of those "water-marks" which fiction cannot simulate?

2. The words "a land that eateth up the inhabitants thereof" have their explanation in Lev. xviii. 25, "the land vomiteth out her inhabitants." The Canaanites were rotten with vice, so that they were dying out; and the spies had observed this fact. But the ten cowardly ones perverted it into a slander: "The land is so sickly that the people are dying off." A somewhat similar objection was once brought against the healthfulness of the station where I am now writing this. The number of children in the native families seemed very small, and it was assumed that this was due to a bad climate, producing a high death-rate among them. But the true explanation lay in the morals of the people. The tea trade brought together large crowds of men without families, and made flush times for a few months of each year. The people bent all their energies to make money while it was flood-tide; and many families became debauched, who under ordinary circumstances would have remained pure. Then there followed, each year, months of plenty and idleness to complete the mischief. Since then Shaowu tea has deteriorated, and become almost a drug in the market; and this has brought hard times. Hard times have purified the morals somewhat; and better morals have resulted in larger and healthier families. But during those flush times this region might almost have been described as "a land that vomiteth out her inhabitants"; and yet, in fact, it was stigmatized as "a land that eateth up the inhabitants thereof."

*Foochow, Shaowu, China.*

J. E. WALKER.