words of Latin, four of Scripture, the wearer of tweeds in Hall. As a method of drowning pedants and prigs it might have its use. But in days when the staple talk is about the boats and athletics, the giant tankards must gather the dust on the top shelves of the buttery. The man who betrays the most superficial interest in giants of another sort is summarily dismissed with the appalling monosyllable, "Shop!"

The Deuteronomic Legislation and its Relation to the Priestly Legislation.—II.

By the Rev. W. R. LINTON, M.A.

HAVING now dealt with the legislative element in Deuteronomy, and reviewed the main arguments for the genuineness of the addresses—*i.e.*, their Mosaic authorship—the second question remains to be considered, viz., What is the bearing of the Deuteronomic addresses on the Priestly legislation? Supposing we classify this legislation under the heads of Tabernacle, Priests and Levites, Sacrifices and Offerings, Times and Seasons, Laws of Purity, Social and Civil Regulations, it will be found that a large number of laws are common to both legislations, some of the Priestly Code being directly referred to in the Deuteronomic (and this, of course, is of the utmost importance), and some being repeated not always in the same terms.

1. *Tabernacle.*—The first matter common to the two legislations relates to the ark, which is referred to in chap. x. 1-3, in accordance with the notices of it in Exod. xxv. 10-16, xxxvii. 1, xl. 20, 21. The discrepancy between the two accounts will be dealt with later on. The law of the central sanctuary (chaps. xii. 5, 11-27, xiv. 22, 23, xv. 19-23, xvi. 2). The principle of one sanctuary dates from the time when Israel, as a nation, were brought into covenant with Yahveh. In Exod. xx. 24 the truth of one God, one sanctuary, one people, is emphatically

laid down. "In whatever place I record My name"—*i.e.*, reveal Myself, and so consecrate the spot—"I will come to thee and bless thee." The same Book of the Covenant orders that all male Israelites were to come to the one sanctuary thrice in the year (Exod. xxiii. 14, 17, xxxiv. 23). There is a difference in terminology between Exodus and Deuteronomy, "record My name" becoming "place My name," but none in essential meaning. From the first there should always be a locality chosen by God where He would be, and be found, and where sacrifice could be offered to Him. This place was by the nature of the case movable prior to the settlement in Canaan, during the occupation was at Gilgal, then fixed for some time at Shiloh, "where I set My name at the first" (Jer. vii. 12), the prophet thus recognising Shiloh as the predecessor of Jerusalem, where was the permanent sanctuary. The idea of more than one national altar was repugnant to the nation in the time of Joshua, as chap. xxii. 10 *et seq.* shows clearly. The three unities, one God, one sanctuary, one people, are intimately connected. The whole people are addressed in the Book of the Covenant; the altar is the altar of the nation; it was, indeed, the altar which, as soon as it was constructed, was carried with them through the forty years. Yahveh, also, as the national God, could not be imagined simultaneously at more than one place. His name or personality was conceived of as one and indivisible, and in each theophany the totality of God was present. If He recorded or placed His name at Gilgal, He could not, it was believed, simultaneously manifest Himself at Shiloh. The three are bound up together, and impressed upon the Israelites from the first.

The principle which is thus one and the same in the Book of the Covenant and the Deuteronomic addresses appears no less clearly in the Levitical legislation, particularly in Lev. xvii. 1-7. Every domestic animal that was killed must be offered as sacrifice. Every animal so killed must be presented at the entrance of the tabernacle. This law was obviously impossible to carry out except in the wilderness life in camp. Deut. xii. 15, accordingly, in view of settlement in Canaan, introduces a

necessary modification that animals for food might be killed at home, whilst it insists on the law of the central sanctuary with at least equal emphasis to that of Lev. xvii. Thus the Levitical law attests itself as belonging to the wilderness period, and the Deuteronomic modification establishes the priority of the Levitical law, as well as its own epoch, the eve of the occupation of Canaan.

2. *Priests and Levites.*—Separation of Levi (chap. x. 8, 9). Here the speaker mentions the bearing of the ark which belonged to the Kohathites, and the ministering to Yahveh and blessing in His name, functions of the priests, concluding with, "Therefore Levi has no part nor inheritance with his brethren; Yahveh is his inheritance, as Yahveh thy God promised him." This promise is found in Num. xviii. 20-24, so that here we have a direct reference by the author of the Deuteronomic addresses to the Exod., Lev., Num., legislation as being prior.

Levitical and Priestly Functions.

The Urim and Thummim in Aaron's breastplate (Exod. xxviii. 30) are mentioned, chap. xxxiii. 8, as a chief glory of Levi, a telling instance of the way in which the speaker speaks of the tribe possessing functions which are well known to belong only to one part of the tribe, as here to the high-priest. Hence, we can understand ver. 10, where again priestly functions and Levitical functions are enumerated as belonging to the tribe, though some were priestly, some Levitical. Whilst Levi is spoken of as exercising the functions of bearing the ark, standing before Yahveh to minister to Him, and blessing in His name (chap x. 8); the ministering in the name of Yahveh and blessing in His name are expressly stated to belong to the priests (chaps. xviii. 5, xxi. 5). The blessing formula which the priests used is given in Num. vi. 22, which, therefore, may be inferred to be prior to the Deuteronomic references to the priests' blessing.

3. *Dues of the Priests and Levites.*—The principal passage (chap. xviii. 1, 2) is of great importance, both as stating what

these dues were, and as making direct reference to the legislation of Lev.-Num. — "There shall not be to the priests the Levites all the tribe of Levi, portion and inheritance with Israel, firings of Yahveh and His inheritance they shall eat. And inheritance shall not be to him in the midst of his brethren: Yahveh, He is his inheritance, as He spoke to him." Here the "firings" are the priests' portions from the offerings, as detailed in Lev. iii.-vii., x. 12-15, and Num. xviii. These offerings comprised the meal-offering, the burnt, sin, trespass, and peace offerings. "As He spake to him" is a direct reference to this legislation, showing it to be prior to the Deuteronomic addresses. The "inheritance" refers to the dues of the Levites as described in Lev. xxvii. 30-33, and Num. xviii. 20-24, viz., the tithes, and the "as He spake to him" is again a direct reference to that legislation, with the same implication of its priority. After thus referring to and confirming the Lev.-Num. legislation in this department, the speaker goes on (chap. xviii. 3-5) to lay down certain dues of the priests, which are obviously and necessarily additional to those just previously indicated; viz., the shoulder, cheeks, and fourth stomach. The reason of this addition, though not mentioned, is perfectly clear, viz., that when the people were settled in Canaan, and killed for food at home, the priest would have very much less than in the wilderness period, when all animals (except wild) were brought to the central sanctuary. The same explanation holds good of the addition of the first-fruits of shearing (chap. xviii. 4.) to the dues of Num. xviii. 12, 13.

As chap. xviii. 3-5 are additional rights of the priests, so 6-8 make additional provision for the Levites in view of the settlement in Canaan. A Levite coming up from the country to the central sanctuary "shall minister in the name of Yahveh his God, as all his brethren the Levites, which stand there before Yahveh: portion as portion shall he eat, besides his patrimony from sale of property." This ministering and partaking is expressly defined as Levitical, in distinction from the rights of the priests in vers. 3-5.

Thus in this important department we have direct reference to Lev.-Num. legislation as already existing, and modification of it to suit the altered circumstances of life in Canaan.

4. *Tithes.*—Though these have been already mentioned, they require further and separate treatment. Besides chap. xviii. 1, they are referred to in chap. x. 9—"Levi has no part nor inheritance with his brethren; Yahveh is his inheritance, as Yahveh thy God promised him." Strictly speaking, Levi here signifies the whole tribe, consisting of priests and Levites, functions of each part being mentioned. But looking only at the Levitical rights, "inheritance" here, as in chap. xviii. 1, refers to the tithes, and "as Yahveh thy God promised him" is direct reference to Num. xviii. 20 *et seq.* Further regulations respecting tithes are found in chaps. xii. 6, 11-12, 17, 18, xiv. 22, 28, 29, xxvi. 12. The tithes here mentioned are the vegetable ones only. The substance of the regulations is that these tithes were to be strictly levied, and they or their money value brought to the central sanctuary every first, second, fourth, and fifth years of the septennial cycle, but in the third and sixth years to be dealt with at home. Out of them a feast was to be provided, in which the Levite was to share. As the existing tithes (of Lev. xxvii., Num. xviii.) have already been referred to by the speaker (see above), these might very well be a second tithe, and so they have been regarded from ancient times, the later Jews actually paying them in addition to the first tithe. Anyhow, whether this is a second tithe or a modification of the laws regulating the first tithe, the features in it which are novel are just such as were suitable to settled life in Canaan, and they, if anything, enhance the significance of the direct reference to the tithes already noticed.

5. *Every Sacrifice was to be without Blemish* (מום) (xvii. 1; Lev. xxii. 20, 21).—In animals killed for food the blood must be poured out on the ground (chap. xii. 15, 16, 20-24; Lev. xvii. 10, 14). The setting up of a מצבה was prohibited (chap. xvi. 22; Lev. xxvi. 1). Passing offspring through the fire was prohibited (chap. xviii. 10; Lev. xviii. 21, xx. 2-5).

These regulations, common to the two legislations, are significant if on other grounds the priority of Lev.-Num. legislation has been established.

6. *Laws of Purity.*—Clean and unclean food (chap. xiv.; Lev. xi.): This having been dealt with under I., 7, it only remains to observe here that the modifications made, to suit settled life in Canaan, and the fact of their being made implies the prior existence of the Levitical list. The prohibition to eat corpse or torn (Lev. vii. 15 [anyone], chap. xxii. 8 [priest]) is repeated (Deut. xiv. 21), with the addition that the corpse may be given to a stranger or sold to an alien. It is obvious that this modification was suitable to settled life in Canaan. During the forty years the prohibition applied to all (Lev. xviii. 15), so that the corpses could not possibly be sold. Now, when in settled life there would be many more corpses, such a permission, which would avoid loss of property, was most suitable and even called for. The modification, as in other instances, implies the prior existence of the Levitical law.

Unlawful mixtures (Lev. xix. 19; Deut. xxii. 9-11): The two pieces of legislation, though varying from each other, are of the same character, and connected by the use of the same term (שעטנז).

Fringes (Num. xv. 38, 39; Deut. xxii. 12): Another regulation identical in substance, though not in wording, in the two legislations.

Seduction of sister (Lev. xviii. 9, xx. 17; Deut. xxvii. 22).

Leprosy (Lev. xiii., xiv.; Deut. xxiv. 8): The passage in Deut. is very significant—"Be careful in the plague of leprosy to observe diligently, and to do according to all that the priests the Levites shall teach you: *as I commanded them,* ye shall observe and do." Here "teach" (יורו) connects with להורת (Lev. xiv. 57). The words in italics are a direct reference to the Levitical law, confirming its prior existence. Moreover, as bearing on the date of the Levitical legislation, as Egypt was the great seat of elephantiasis, it would be likely that a legislator having personal acquaintance with Egypt and its diseases

(Exod. iv. 6) should give minute directions concerning its treatment soon after leaving Egypt, whilst such detailed regulations were much less to be expected after Egypt had been left for a whole millennium.

7. *Social and Civil.*—Wages: Comparing Lev. xix. 13 with Deut. xxiv. 14, 15, it is easy to see that the Deuteronomic regulation is an amplification of the Levitical suited to settlement in Canaan.

Witnesses: The law of Num. xxxv. 30 is identical with that of Deut. xvii. 6, xix. 15.

Refuge cities: The promised provision of Exod. xxi. 13 is fully defined in Num. xxxv. 9-34. The regulations of Deut. xix. 1-13, contain significant additions—viz., first, the preparation of roads to the refuge cities and the intervention of the elders; second, that three more cities were to be provided for refuge in case God enlarged the borders of Israel. Both of these show that the speeches were delivered previously to the settlement in Canaan (who in later times would have inserted such a provision as chap. xix. 8, 9?), and both attest the priority of the Levitical legislation.

Gleaning: The law, Lev. xix. 9, 10, xxiii. 22, is substantially identical with that of Deut. xxiv. 19.

Weights and measures: Lev. xix. 35, 36, is substantially identical with Deut. xxv. 13-16.

Usury: Lev. xxv. 36 and Deut. xxiii. 19.

Summary: The Deuteronomic legislative matter, in its bearings on the Levitical legislation, admits of a threefold classification: First, that part which directly refers to the Levitical as anterior; second, that part which modifies or adds to the Levitical, thus implying and confirming its priority; third, that which is identical with the Levitical, and which by itself does not determine which is prior to the other. The first and second parts are sufficient to show that the bulk of the Levitical legislation was already in existence when the Deuteronomic addresses were delivered. They pronounce nothing on the relative date of the *books* (Exod., Lev., Num.) which

contain this legislation, but are decisive regarding its priority. And at this point mention may suitably be made of the discrepancies between Deuteronomy and the preceding books, which have often been alleged as evidence of the later date of their (Lev., Num.) legislative matter. Several of the supposed discrepancies disappear on investigation; those which remain have an exactly opposite force to what they have been supposed to have now that the priority of the Levitical legislation has been established on other grounds. They confirm that priority. A late writer would have avoided discrepancies and taken the utmost pains to make his legislation agree with that which he wished to pass off as the work of the author of the earlier legislation. None but the legislator himself would have presumed to deal so freely and independently with the laws—modifying, adding, and altering. The discrepancies, therefore—and the more of them there are the stronger their force—only corroborate the preceding argument.

Thus in chap. i. 22 the people suggested sending spies; in Num. xiii. 3 God ordered the spies to be sent. This scarcely needs harmonizing, but so far as it is a discrepancy it helps to establish the present view. No late writer would have introduced this appearance of contradiction.

The ark: In Exod. xxv. 10-16 the Israelites were to make it; chap. xxxvii. 1, Bezaleel made it; xl. 20, 21, Moses put the ark into the Holy of Holies. In Deut. x. 1-3, after the mention of the rebellion, Moses records the order to make an ark, and his carrying out the order. Whilst the legislator thirty-eight years after the events might easily and naturally represent what happened as it came into mind (and here he mentions the ark along with the occasion for its use), a late writer would never introduce such a discrepancy, having the earlier account before him.

With regard to the tithes, the subject has been already dealt with. It only needs to add here that the very fact of this discrepancy between Deuteronomy and Lev.-Numbers strongly evidences the mind and act of Moses, who alone can be regarded

as modifying former legislation, since no late composer personating Moses would have ventured on such innovations.

A discrepancy has been thought to exist between Lev. xxv. 39-43 and Deut. xv. 12-18 in the matter of Hebrew service. Deuteronomy (in agreement with Exod. xxi. 2-11) states the law that the Hebrew slave is to go free in the seventh year; Leviticus states the law of the Jubilee, according to which in the fiftieth year the Hebrew slave returned to his patrimony, which, of course, might be any year of the six years' service. The discrepancy is imaginary.

There is another supposed discrepancy in the law of the firstlings (Exod. xiii. 15, xxii. 28-29; Num. xviii. 18; Deut. xii. 6, 17, 18, xiv. 23, xv. 19-21. The firstlings (in Exod.) were to be "sacrificed" or "given" to Yahveh; they belonged to the priest (Num.). According to Deuteronomy they were to be sanctified to Yahveh, but if any blemish was in them "thou shalt not *sacrifice* it, but eat it at home"; but normally they were to be eaten at the central sanctuary. A simple way of harmonizing is to suppose that the priest shared the flesh with the offerer, and the offerer's being invited to share is in Deuteronomy taken as a matter of course. If, however, we stand by the strict force of the word, then it is only another case of the legislator modifying former legislation, and is, like the discrepancies already mentioned, an argument in favour of the contention of this paper.

The conclusion we arrive at is that the idea of the late age of the Levitical legislation is untenable. The Deuteronomic addresses presuppose it throughout. Since also it has been shown that the Deuteronomic addresses are the utterance of the legislator himself, and from every point of view attest him as their author, the Levitical legislation is thereby proved to be his. "The law was given by Moses."