The Alleged Triple Canon of the Old Testament.

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IN the commentary on Genesis by Dr. J. G. Murphy, published in 1866, I find the following statement concerning the three parts of the Hebrew Old Testament, now commonly known as the Law, the Prophets, and the Hagiographa:

> This threefold division of the Old Testament Canon is a historical, not a logical, distribution of its contents. It exhibits three successive collections of sacred documents: the first, formed and indeed mainly composed by Moses; the second, containing the earlier and latter prophets, made in the time of Jeremiah, and probably under his direction, with the exception of the last three of the minor prophets, which were added to this class of writings afterwards, because they were strictly prophets of Judah; the third, consisting of the remaining sacred books, and formed in the main by Ezra (p. 2, Andover ed.).

This passage is typical. The idea that the three parts of the Hebrew scriptures are in effect three successive canons was widely taught in the older school of exegetical science, of which Dr. Murphy may be taken as a specimen. The idea has been handed down, undisputed, to more recent scholars, though these, of course, assign different dates to the forming of the three canons. Buhl and Wildeboer, for example, accept the tradition, with the dates amended. The latter fixes the canonization of the Pentateuch in the time of Ezra and Nehemiah, that of the Hagiographa near the close of the first century A.D., and that of the Prophets at some date between the two, perhaps in the second century before Christ.

The doctrine common to these two very different schools is that there was a time when the recognized Israelitish sacred writings consisted exclusively of the five books of Moses. Many generations later, the eight books of the earlier and later Prophets were taken from the category of non-canonical literature, and classed with the

five books of Moses as constituting the authoritative sacred writings of Israel. At a date some generations later, the books now composing the Hagiographa were treated in the same way.

It is an essential part of this theory that the terms law, prophets, writings (*k'thubim*), are properly the names of classes of scripture, and are applied to the scripture as a whole only by the process of extending their meaning. Torah, for example, when used of sacred writings, originally and properly means the Pentateuch, though it came to be applied to other parts of the Old Testament in order to indicate that the sacred character which belonged to the Pentateuch extended also to them.

It is also a necessary part of the recent presentations of this theory that the other Old Testament writings were originally regarded as of inferior authority as compared with the Pentateuch, — as more nearly on a level with secular literature, or with the unwritten sacred tradition; and that the process of canonization lifted them, not all at once, but gradually, from this lower level. The prophetic and hagiographic writings acquired authority as the name and the character that properly belonged to the Pentateuch came to be attributed to them also.

This doctrine of three successively formed canons is now received, I suppose, with a unanimity that has few exceptions. It is therefore with some misgiving that I venture to say that it seems to me not only not well grounded, but positively contrary to the evidence. In proof of this statement, I now propose to cite nothing save the well-worn evidence commonly offered in regard to the Old Testament canon. If there is some aspect of the evidence which I have overlooked, and which proves the theory commonly held to be correct, I shall be glad to have my attention called to it. If not, then the case in hand is one in which men have generally accepted a tradition without sufficient investigation.

In discussing the question, there is no need to specify dates, or to choose between existing schools of criticism, since the relations between the dates involved, and the sequence of the events that enter into the problem, are the same on one theory as on another.

1. If, at some date or other, the eight books of the earlier and later Prophets had come to be regarded as set apart to constitute, with the Pentateuch, the sacred canon of Israel, then we should expect to find that the line thus drawn was recognized and observed with some degree of consistency, in the generations that followed. It is not so recognized, but is disregarded, both positively and

negatively. This constitutes strong proof that there was no such demarcation.

In Ecclesiasticus, we have the well-known summary of the books and events of the Old Testament (ch. xliv.–xlix.). In this summary the writer groups together the three major and the twelve minor Prophets (xlviii. 20–xlix. 10),[1] but elsewhere mingles materials taken from Chronicles, the Psalms, Proverbs, Lamentations, and Nehemiah with those taken from the Pentateuch and the earlier and later Prophets. The careful reader of these chapters is sure that the Son of Sirach had the major and minor Prophets in collected form; that he was acquainted with many, not to say all, of the writings which now constitute the Hagiographa; that he used these writings along with the Pentateuch and the books now known as the Prophets, without betraying any consciousness that these were writings of two classes, one class being sacred and the other profane. He simply could not have treated the books thus, if he had regarded Leviticus and the books of Samuel and Kings as belonging to a sacred canon from which the books of Chronicles and the Psalms and Proverbs and Nehemiah were excluded. But if such a doctrine of the canon existed in his time, and especially if it was just then defined, or in process of definition, the Son of Sirach cannot possibly have been ignorant of it or disregarded it. It is certain, therefore, that there was then no sharp classification, separating the books now known as the Prophets from those known as the Hagiographa.

The translator of Ecclesiasticus, in the celebrated prologue, mentions more than once the law, the prophets, and the other writings. That is to say, he recognizes, in a general way, three kinds of writings. But there is no proof that he knew of any sharp classification separating the writings of the first and second kinds from those of the third.

In the generation before Christ, Philo (provided the *Vita Contemplativa* be the work of Philo) speaks of "sacred letters" including "laws, and sayings oracularly uttered through prophets, and hymns, *et cetera*." Here again we have, as in the prologue to Ecclesiasticus, three kinds of writing, but not necessarily three classes of writings.

Similarly, the New Testament and many other writings, in passages that speak of the written psalms and the book of Daniel, emphasize the character of David and Daniel as prophets; which they certainly would not do if their authors were in the habit of thinking of the

[1] Buhl (page 11) well defends the genuineness of Ecclus. xlix. 10, citing Nöldeke and the Syrian translation, in opposition to Bretschneider and Böhme.

writings they attribute to David and Daniel as authoritatively excluded from the prophetic scriptures.

Josephus, at the end of the first century, mentions not merely three kinds of writing, but three separate classes of sacred writings. But his division is absolutely different from that now found in the Hebrew bibles. In the third class he places but four books, and these are books of hymns or of precepts for conduct. He probably counts Chronicles, Ezra, Nehemiah, Esther, Daniel, Ruth, Lamentations, Job, among the books of the Prophets. Without dispute, he so counts most of these.

The witnesses represented in the lists of Melito and Origen, in the second and third Christian centuries, do not explicitly mention the threefold division, but they cannot be thought of as ignorant of the division, as it existed in their time. But it is impossible to find in these lists any recognition of the present line of division between the Prophets and the Hagiographa.[2]

Evidently the line of separation between the second and third divisions was uncertain throughout the second and third centuries A.D. In the case of Ruth and Lamentations, as is well known, it remained in dispute till after the beginning of the fifth century.

All this is positively inconsistent with the idea that the writings, which we now know as the Prophets, had been for some centuries authoritatively set apart by themselves, while those which we know as the Hagiographa remained in the category of general literature.

2. Again, if the theory of three successive canons is correct, we should expect to find the five first books, during the period before the second canon was promulgated, sharply differentiated from the other books. But there is no such sharp differentiation. On the contrary, in a large number of instances where there is opportunity for it, we find phenomena that exclude it. For example, in the summary of the contents of the Old Testament found in Ecclus. xliv.–xlix., there is no break between the incidents taken from the Pentateuch and those taken from Joshua. The summarizer shows

[2] The list of Melito gives the books in the following order: The five books of Moses, Joshua, Judges, Ruth, four books of Kings, two of Chronicles, Psalms, the Proverbs and the Wisdom of Solomon, Ecclesiastes, Canticles, Job, and of Prophets Isaiah, Jeremiah, the Twelve, Daniel, Ezekiel, Esdras.

The list of Origen has the following order: The Pentateuch, Joshua, Judges, including Ruth, four books of Kings, two of Chronicles, and two of Ezra, Psalms, Proverbs, Ecclesiastes, Canticles, Isaiah, Jeremiah with the Lamentations and the Epistle, Daniel, Ezekiel, Job, Esther.

no consciousness that he is passing from one class of writings to a different class. The same thing is true of the summary in the ninth chapter of Nehemiah. The same is true of the summaries of the history in the one hundred and sixth psalm, and in the seventy-eighth psalm, and in all the other recapitulatory psalms where it is possible to apply the test. This is a remarkable fact, on the hypothesis that the five first books constituted, in those times, a sacred canon, from which the book of Joshua and the following books were excluded. On that hypothesis would the nation's writers pass thus from the sacred to the secular with no recognition of the difference? One writer might do it for once; but would writers do it habitually? Yet I think that no one can find a recapitulation earlier than the time of Philo in which a writer shows any consciousness that the pentateuchal writings belong to a different class from the others.

Similar phenomena appear in the instances in which the law or writings by Moses are mentioned in the Old Testament. In Ezra vi. 18 we are told that the returned exiles set up the courses of the priests and Levites, "as it is written in the book of Moses." The Pentateuch contains nothing in regard to priestly or Levitical courses. It follows that the writings here called the 'book of Moses' were extra-pentateuchal. Possibly the reference is to written precepts now found in 1 Chronicles. In any case, the term 'book of Moses' is here applied to an aggregate of sacred writings including more than the Pentateuch. So in the book of Daniel, the "law" which Daniel is represented as keeping, included the matter of praying three times a day, and praying toward Jerusalem, matters which are not in the Pentateuch, and are in the other scriptures.

These points are from the Aramaic parts of the scriptures, but that does not change the case. Ezra and Nehemiah enforced the written law of Yahweh, including thereunder, so far as appears, matters of temple detail, of public song and prayer, of fasting, of priestly courses, of singers and players and gate keepers, of separation from foreigners as such, in distinction from foreigners of certain tribes, none of which are found in the Pentateuch, and most of which are found in the scriptures that attribute themselves to the time of David. All this is inconsistent with the idea that there was then a sharp separation between the Pentateuch and the other scriptures. And all this is of a piece with the fact that, while the instances in which the law of Moses or writings by Moses are mentioned are very numerous in the extra-hexateuchal books, none of them draw the line which separates the books which they regard as Mosaic from other books.

Those who hold that the five books were written and accepted before the rest of the Old Testament must, of course, hold that these were the only canonical books until the others were written. But, beginning with a time when some of the other writings were in existence, this absence of sharp distinction between the Pentateuch and the other books is an important phenomenon. It is positively exclusive of the theory that the Law, the Prophets, and the Hagiographa are three successive canons.

The separation of the five books is emphasized in Philo, and from Philo onward. Are there any clear instances in which it appears earlier than Philo?

3. Again, It is an essential part of the theory of three canons that only the Pentateuch was regarded as properly authoritative, the others having authority only as the character of the Pentateuch came to be imputed to them. But if this was the case, the fact ought to appear and to be accentuated during the time between the promulgation of the first canon and that of the second, and between that of the second and that of the third. For these periods we have a vast body of contemporary evidence. In a matter so important as this, we ought not to depend on rabbinical or other opinions of later centuries.

But in all the scores of cases in which the New Testament men, for example, appeal to the Old Testament, is there one instance in which this question of authority, as between the Pentateuch and the other writings, was raised? Is there a case where any one argues to the effect that his opponent's citation is from the less authoritative part of the scriptures, and is therefore not conclusive? Is there such an instance in the Old Testament? Is there one in any Jewish writing prior to the death of Josephus? There are thousands of instances of the citing of the ancient scriptures as authority. Between Jesus and his opponents, and again between Paul and his opponents, several questions of authority were raised; questions, for example, as to the authority of extra-scriptural tradition, and questions as to the authority of the ceremonial law over gentile Christians. But is there any trace of an argument turning on the question whether the Pentateuch was more authoritative than the other parts of the Old Testament? In all the literature, from the earliest times to the second Christian century, is there an item of strictly positive evidence in proof that current opinion recognized such a difference in authority? The existence of current opinion to this effect is now often affirmed. Many regard the affirmation as one of the common-

places of history. But surely, in the circumstances, this affirmation is no basis for arguments, unless it has better support than the traditions of later centuries and the inferences drawn in support of theories.

The contemporary testimony on this point is positive, and not merely an argument from silence. Philo's "prophetic oracles and hymns and so forth" are spoken of as parts of the "sacred letters," equally with the "laws," and are differentiated from all other literature. The translator of Ecclesiasticus counts the Law, the Prophets, and the Other Writings as a class by themselves, and counts Ecclesiasticus and all other books as belonging to a different class. Josephus, the New Testament men, Philo, the various Apocryphal and other Hellenistic writings, the Old Testament books, all with one voice describe the authority of the scriptures as prophetic. To the Psalms and Daniel and Nehemiah they attribute no less than prophetic authority, and no more than prophetic authority to the writings they assign to Moses. Their highest statements as to the authority of Moses are those in which they magnify the fact that he was a prophet.

Surely, therefore, the contemporary facts yield no support to the proposition that the prophetic and hagiographic writings were for centuries regarded as having mainly the character of secular literature or of inferior tradition, in contrast to the sacred character of the Pentateuch; and therefore none to the theory that the Pentateuch was set apart from the other writings as canonical some generations before the Prophets were similarly set apart, and the Prophets some generations before the Hagiographa.

4. A fourth argument, which seems to me conclusive in itself, is that from the unity of the Hexateuch. This can be very briefly presented. If there is any conclusion of recent scholarship that is sure to stand, it is the conclusion that the first six books of the Bible are a unit, that the book of Joshua is a part of the same whole with the Pentateuch, and is less closely connected with the books that follow. The absurdity of the idea that somebody set apart five-sixths of a literary work as sacred, leaving the remaining sixth in the category of secular literature, is at once apparent. The absurdity is the greater if one holds, as a majority of recent scholars must, that the very authors of the work itself are the men who thus canonized a fraction of it.

5. A fifth argument is drawn from the history of the meaning of the word *Torah*. This word and the Hiphil verb correspondent to

it are currently used in the earliest Old Testament writings (whether one assigns these to the time of Moses or to the time of Amos), and in the writings of every later period, to denote authoritative revelation from God through a prophet. A number of such messages are denoted by the word in the plural. In the singular, the word either denotes one such message (in English, 'a law'), or is a general name for such messages taken collectively (in English, 'law'). The word was doubtless used of messages given orally by prophets, and it was certainly used of messages that were reduced to writing. From the beginning of the definition of the priestly functions, the priests, whatever else they may have had to do with Torah, were required to preserve and teach and administer Torah that had been given through prophets. Torah consisted prevailingly of requirements, but included other elements.

I offer no proof of these statements, because I think they will be generally accepted by men who have studied the matter. Any concordance gives in convenient shape the materials for studying the usage of *Torah* and *Horah*, and of course the two should be studied together. And no one can fail to see that the use of the word 'law,' in the New Testament and elsewhere, as a collective name for the whole body of the scriptures that were regarded as coming from the prophets, that is, for the whole Old Testament (*e.g.* Jn. x. 34, xv. 25; 1 Cor. xiv. 21; Rom. iii. 19), is the simple and natural development of the earlier current use of the word. Contrast with this the theory that the word 'law' is properly convertible with the word 'Pentateuch,' and is applied to the other scriptures only by extension. This necessarily involves the exceedingly awkward inference that the earlier use first vanished, in favor of the more restricted use, and then returned, in the shape of a reëxtension of the restricted use. This is improbable.

6. A sixth and final argument is that the theory of three successive canons is inconsistent with a theory that is much simpler, and much better supported.

Before taking up this positive theory, we need to define certain terms involved in the problem. In speaking of writings, we should distinguish carefully between an aggregate, a collection, and a canon. The information we have as to any officially promulgated canon of the Old Testament is infinitesimally small. The argument that the official closing of the canon must have been in some late century, because we have no clear account of such a transaction in earlier centuries, singularly ignores the fact that we no more have any such

account for the later centuries. The fact is that we have no direct evidence on this point, but are left to conjectures and remote inferences.

As to collections of Israelitish sacred writings, we have some information, but of an incomplete and uncertain character. Moses is said to have put certain writings in the hands of the priests. Samuel laid up writings before the Lord. The book of Josiah's time was found in the temple. It has been acutely remarked that even if we regard these and like instances as fictions, the very existence of the fiction presupposes that acts of this kind were customary. In later times we are told of the law that was publicly read in Nehemiah's time, of the library that Nehemiah collected, of the major and minor Prophets mentioned together in Ecclesiasticus, of the books that Josephus says were laid up in the temple. The amount of existing evidence on this point is quite in contrast with the extreme paucity of the evidence in regard to an official canon; but it affords no full and direct information as to the actual collecting processes.

But these writings are capable of being thought of as an aggregate, independently of all questions concerning a canon or a collection. They were an aggregate as soon as a sufficient number of them had been produced to constitute a class having common characteristics. They were an aggregate, whether any one then thought of them as an aggregate or not. And it is as an aggregate of writings, rather than as a collection or a canon, that modern study is chiefly concerned with them. What we can learn concerning the canon or the collection is important principally because it serves us as so much evidence in regard to the aggregate.

It is a pity, therefore, that investigators have so neglected the fact that our evidence concerning the aggregate, in this case, is much more direct and abundant and trustworthy than concerning either the canon or the collection. In what I have to say further, I am speaking of the aggregate, and not of the others.

It is sometimes said that the alternative to the theory of three successive canons is the theory that Israel had properly no sacred writings till after the whole Old Testament was completed. If this were correct, it would be conclusive; for nothing is more certain than that Israel had recognized sacred writings earlier than the writing of the latest books of the Old Testament. But it is not correct. This is not the only possible alternative to the theory of three successive canons. The true alternative is that of a growing aggregate of recognized sacred writings.

Nobody disputes that there existed in Israel, as early as about 800 B.C., certain writings that were recognized as containing revelations from God through the prophets. Dr. Murphy, whom I quoted at the outset, would hold that some of these writings were then hundreds of years old; and certain more recent scholars would hold that the writings were then much newer; but they would agree as to the fact that the writings were then in existence, and were believed to have divine prophetic authority; and that there was a certain public knowledge which recognized them as existing and authoritative.

As there were then other writings in existence, this implies a certain separation in thought between these prophetic writings and the others. And of course no one will deny that the writings which were thought of as prophetic were capable of being thought of as an aggregate. Nay, from the very necessities of human thought, men could not help thinking of them as an aggregate.

Nobody disputes, I think, that as early as the date named, there were collections of the writings that were regarded as prophetic. But we have at present nothing to do with such collections. We confine our thought to the aggregate of writings of this peculiar character, which certainly then existed, and, as certainly, was recognized in the minds of some men. As writings of this kind were regarded as possessing divine authority, they were called *Torah*. As the revelation came through the prophets, they were called prophetic. They were spoken of as Writings to distinguish them from all oral *toroth*. Thus we already have an aggregate of sacred scriptures known as the Law, the Prophets, and the Writings.

From the time the aggregate was first recognized, it kept on growing, and at every step of growth, it was still the one body of Israel's sacred scriptures, consisting of the Law, the Prophets, and the Writings.

When the latest written part of the Old Testament was finished, including, of course, the collecting of the psalms, then this aggregate ceased growing, and it still consisted of the Law, the Prophets, and the Writings. At this point, the Old Testament was complete. From this time on the completed scriptures have existed, as the Law, the Prophets, and the Writings. And this is the really important point, to which investigation should be mainly directed.

The recognition of its completeness, by men competent to judge, may have come simultaneously with the fact of its completion, or may have come later. The collecting of the books into one place and one series of volumes may belong to the same date, or may have

been partly earlier, or partly or wholly later. These things may or may not have been attended by an official declaration of canonical authority. At all events, at a certain point in its history, the growing aggregate of the Law, the Prophets, and the Writings, having reached completeness, ceased growing.

Then nothing can be more natural than that the minds of men should gradually come to regard the three words that mark the characteristics of the aggregate as the names of classes of writings included in the aggregate. As this way of looking at the matter grew, the books whose contents fall within the lifetime of Moses came at length to be regarded as especially the Law. Some centuries later, doubtless after many fruitless attempts, the present line of demarcation between the Prophets and the Writings was settled upon. But through all, the original usage of the words persisted, to a certain extent, so that the whole aggregate has continued to be called, sometimes the Law, not seldom the Prophets, and constantly the Scriptures; that is to say, the Writings.

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