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### **MS-4787: Abba Hillel Silver Papers, 1902-1989.**

Series VII: Personal Miscellaneous, 1908-1989, undated.

Sub-series D: Writings, 1915-1963, undated.

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Reel  
216

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80

Folder  
48

Moses and the Original Torah, correspondence and agreement  
with MacMillan company, 1960-1962.

Date            November 25, 1960

We take pleasure in acknowledging receipt of your manuscript:-

MOSES AND THE ORIGINAL TORAH

---

which will have our immediate attention.\*

THE MACMILLAN COMPANY

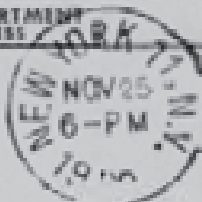
Religious Department

*\*While every reasonable precaution is taken to care for the manuscripts submitted to this company, we can only receive such manuscripts with the understanding that we assume no responsibility for any loss, damage or injury thereto.*



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Mr Abba Hillel Silver

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Cleveland 6, Ohio

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POB Form 3871 Jan. 1958

# # 1-INSTRUCTIONS TO DELIVERING EMPLOYEE

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# *The Macmillan Company*

CABLE ADDRESS  
PACHAMAC NEW YORK*Publishers*TELEPHONE  
OREGON 5-4000*Sixty · Fifth Avenue · New York 11, N. Y.*

January 4, 1961

Dr. Abba Hillel Silver, Rabbi  
19810 Shaker Boulevard  
Shaker Heights, Ohio

Dear Rabbi Silver:

It was good to have your telephone call yesterday and to learn that your Caribbean trip was pleasurable and your return home a safe one.

Now that my secretary is back in the office again, we can have your typescript returned to you so that it may be made available for a reading by Professor Albright. We will welcome some word of his reaction after he has had an opportunity to read the manuscript.

Our reader was very much impressed with the quality and the importance of this work. He had but a few general suggestions relating to spelling, style of writing in some few instances, and the transliteration of Hebrew into English. Very likely you planned to do some extra work on the manuscript before finally returning it to us.

When the typescript is returned, I shall want to have a manufacturing estimate prepared, and then consult with our Company officers in regard to a contract offer. These matters will be expedited as soon as the manuscript is returned to me following the reading by Professor Albright, and the making of any final corrections that you plan to incorporate into the text.

With my very best of wishes to you and Mrs. Silver for 1961.

Cordially,

*Guy Brown*  
Guy Brown

GB:ah

# *The Macmillan Company*

CABLE ADDRESS  
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OREGON 5-4000

*Sixty · Fifth Avenue · New York 11, N. Y.*

## RELIGIOUS BOOK DEPARTMENT

April 4, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
19810 Shaker Blvd.  
Shaker Heights, Ohio

Dear Dr. Silver:

### MOSES AND THE ORIGINAL TORAH

Word has just come to me that my recommendation of the publication of your new book has been passed. I am happy, therefore, to propose the terms of a contract offer for your approval. You are already familiar with the various clauses of our contract agreement, and it will not be necessary to go into detail. Essentially, the contract will include the provisions written into our agreement for WHERE JUDAISM DIFFERED. Therefore, I shall confine myself to the variants.

In the new contract, we should like to control the World Market rights, except in Hebrew language. These rights are being reserved for you, since it is likely that you may have some special preference in this regard. Thus, the placement of the Hebrew language rights is left under your exclusive control.

On the new book, we estimate that if the present production costs hold up as they are now calculated, we can manufacture an edition of 7500 copies to price at \$3.50. It is likely that the finished book will approximate 190 pages.

We would propose to pay a royalty of 25 cents per copy on the first 7500 copies regularly sold, and 10% of the list price on regular domestic sales thereafter. Mail Order and Export Sales would be calculated at 5% of list. This royalty offer represents an improvement over the previous contract, and enables us to keep the retail price at a manageable figure.

A royalty advance of \$500. would be paid at the time of signing of contract, with provisions for a subscription advance to be made payable at

*The Macmillan Company*

(Dr. Abba Hillel Silver)

April 4, 1961

time of publication. Accountings would be made to you semi-annually.

We would like to include an option clause providing for the submission to us of your next book project.

We hope that you will find the terms of this offer to be acceptable. If so, please let me know at your early convenience and we shall prepare the formal contract agreement for your signature.

Since our Fall listing is about to close, I am hopeful that we can have your reply within a few days. Following the acceptance of the offer, we can prepare catalogue copy and move along with copyediting.

With all good personal wishes to you,

GB:ah

Cordially,

Guy Brown

## FOREWORD

It was with Moses that the Torah religion of Israel began and it was among the tribes which later on constituted the northern Kingdom of Israel that the Torah of YHWH was first established. The cardinal, spiritual and ethical teachings of the original Torah which were never surpassed were those of Moses and not of the later prophets of Israel or Judah.

Two distinct traditions are reflected in the historic and legal writings of the Bible -- one of northern Israel and the other of southern Judah. In a sense, Israel and Judah were always two separate peoples. They were never truly united, even during the period of the United Kingdom. They parted completely and forever after the revolution of Jeroboam I in 933 B.C.E.

These two peoples shared a common racial origin and many ancestral memories, but their historic experiences from earliest times differed sharply.

The more important center of YHWH worship arose in the North where the Hebrews who had left Egypt under Moses had settled. They brought with them the original Torah which he had given them.

The Kingdom of Judah out-lived the Kingdom of Israel by almost a century and a half. Judean scribes re-cast whatever they chose to preserve out of the writings of northern Israel. They edited the historical records, often to the disparagement of the North. Their constant aim was to extoll the Judean Davidic dynasty and the Levitical hierarchy of the South.



The long existing differences between the North and the South and the final rift which took place in the tenth century may serve to explain many inner contradictions in our Biblical records for which no satisfactory explanations have as yet been found.

The Northern tradition is set deeply in the events of the Exodus. It is dominated, far more than the Southern tradition, by the personality of Moses, the foremost religious genius of all times. The revolutionary Torah which he gave to the Hebrew serfs whom he led out of Egypt was carried by them triumphantly as conquerors into Canaan. In the centuries which followed, however, this Torah had to struggle for survival against many forces of regression, syncretism and neglect which threatened it.

What this original Torah of Moses was, to which all the great prophets of later times referred in one way or another, and to whose championing and defense they considered themselves as having been summoned, where this Torah is to be found, and how it fared in Israel and Judah is the subject of this study.

ABBA HILLEL SILVER

April, 1961

[ The formula, "He visits the iniquity of the fathers upon the children to the third and the fourth generation", occurs twice -- in Ex. 34.7 and Nu. 14.18. With the qualifying clause, "Of those who hate Me but showing steadfast love to the thousandth generation of those who love Me and keep My commandments", it appears in both the Decalogues. It is clearly not part of the so-called Thirteen Attributes of YHWH which are enumerated in Ex. 34.7. Actually only nine attributes are enumerated. The prophet Micah paraphrases them in 7.18-20 and sets their origin in earliest times, "As Thou has sworn unto our fathers from the days of old".

They are all attributes of mercy, as Maimonides pointed out (Guide to the Perplexed", I, 54). What follows -- "And He will by no means clear the guilty", "He visits the iniquities of the fathers upon the children" is a later addition. Such a statement is clearly incongruous in the context of the appeals which are addressed to YHWH to forgive the sins of the people which they committed in the making of the Golden Calf (Ex. 32-34) and in conspiring to return to Egypt after they heard the report of the twelve who were sent to spy out the land of Canaan (Nu. 13-14).

The qualifying clause which is found in the Decalogues is a softening of the formula which, as we have suggested, had gained currency among the people during the catastrophic years of spiritual confusion of the sixth century. ]

April 6, 1961

Mr. Guy Brown  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

My dear Mr. Brown:

Permit me to thank you for your kind letter of April 4th. I am very pleased that the Macmillan Company will publish my book, "Moses And The Original Torah". The terms of the contract which you offer are entirely satisfactory, and I shall be very pleased to sign the contract when you send it to me.

The manuscript still lacks an index, a word of introduction and a dedicatory page.

With warmest regards and all good wishes, I remain

Very Cordially yours,

ABRA HILLEL SILVER

AHS:rlh

*Signed contract returned 4/14/61*

# *The Macmillan Company*

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*Sixty · Fifth Avenue · New York 11, N. Y.*

## RELIGIOUS BOOK DEPARTMENT

April 10, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
The Temple  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Dr. Silver:

Thank you very much for your letter of April 6th accepting the terms of our contract offer for the publication of your new book: MOSES AND THE ORIGINAL TORAH. We shall have the formal contract agreement prepared for your signature. Very likely I shall be able to send it along later in the week.

Enclosed is a supplementary information sheet that will be helpful to us in planning promotion and publicity. Do send it along at your early convenience. We shall also look forward to the receipt of your introduction and dedicatory page. We have made allowance for an Introduction of three book pages, and an equivalent number of pages for the index which you will, of course, prepare at the time when page proofs are available.

I don't suppose that you have any last minute changes to make in the typescript, but if you do, please send them along to me and they will be incorporated into the typescript before we go into composition.

With the very best of wishes to you,

Cordially yours,

*Guy Brown*  
Guy Brown

GB:ah  
Enc.

# *The Macmillan Company*

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*Publishers*

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OREGON 5-4000

*Sixty · Fifth Avenue · New York 11, N. Y.*

## RELIGIOUS BOOK DEPARTMENT

April 13, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
19810 Shaker Blvd.  
Shaker Heights, Ohio

Dear Dr. Silver:

The contract agreement has now been prepared, and we are pleased to send it along for your signature and early return to us. I am sure that you will find it to be in accord with the terms as outlined in my prior letter.

I trust that Cleveland has had a better weather pattern than we here in New York. In the early morning hours, we Westchester suburbanites had the dubious blessing of a one inch snowfall.

Cordially,

*Guy Brown*  
Guy Brown

GB:ah  
Enc.

April 17, 1961

Mr. Guy Brown  
The Macmillan Company  
Sixty Fifth Avenue  
New York 11, New York

My dear Mr. Brown:

Thank you for your letter of April 10th. I am enclosing a brief Foreword to my book, an Acknowledgment and a Dedicatory page. I am also enclosing some last minute additions to the manuscript.

A day or two ago I sent you the signed contract agreement. With warmest regards and all good wishes, I remain

Very cordially yours,

ABRAHAM WILHELM SILVER

AHS:bfm

Enclosures - 7 pages

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No. 16813

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Mr. Guy Brown - The Macmillan Co.

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CITY AND STATE

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## RELIGIOUS BOOK DEPARTMENT

April 19, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
19810 Shaker Blvd.  
Shaker Heights, Ohio

Dear Dr. Silver:

We are pleased to enclose the signed duplicate of the contract agreement for the publication of MOSES AND THE ORIGINAL TORAH together with our advance royalty check in the amount of \$500. It will now be possible to get along with the copyediting of the typescript. After that work is completed we may want to return the typescript to you for your final approval before composition.

With the best of wishes to you,

GB:ah  
Enc. 2

Cordially,

*Guy Brown*  
Guy Brown



PLEASE DETACH THE ABOVE STUB AND RETURN WITH YOUR REMITTANCE

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Mar 13 62 18650		BALANCE FORWARD →		
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Other (Describe)

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RABBI ABBA HILLEL SILVER

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CITY: SILVER PARK

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Description and Marks

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Scale No./Rate

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Carriage hereunder is subject to the rules relating to liability established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw, October 12, 1929, unless such carriage is not "international carriage" as defined by the convention, (See Carriers tariffs for such definition.)

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OVER

# *The Macmillan Company*

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## RELIGIOUS BOOK DEPARTMENT

April 20, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
The Temple  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Dr. Silver:

Thank you for your letter of April 17th and its attachments:  
(1) Dedication page, (2) Acknowledgment, (3) Foreword, and  
(4) Addenda. Be assured that these items will be duly handled  
in a proper manner.

By this time you will have received the signed duplicate of  
the contract agreement and the royalty advance. We are now in  
a position to schedule the typescript for copyediting.

Cordially,

  
Guy Brown

GB:ah

# *The Macmillan Company*

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## RELIGIOUS BOOK DEPARTMENT

June 14, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
19810 Shaker Blvd.  
Shaker Heights, Ohio

Dear Dr. Silver:

It was a pleasure to see you last week, as always.

We have now sent the manuscript to the printer for composition. When first proofs reach us, our Manufacturing editor will send them along together with the copyedited manuscript and a covering letter.

A proof of the artist's sketch of the jacket has just reached me, and it is being sent to you. There is no need to return this to us. We hope that you will find it to be attractive.

Yours very sincerely,

*Guy Brown*  
Guy Brown

GB:ah

June 19, 1961

Mr. Guy Brown  
The Macmillan Co.  
60 Fifth Avenue  
New York 11, New York

My dear Mr. Brown:

Let me thank you for sending me a copy of the artist's sketch of the jacket. I like it very much. I would appreciate if you would send me the draft of the blurb which you intend to put on the jacket. I should like to see it before its finalization.

With warmest regards and all good wishes, I remain

Cordially yours,

ABRA HILLEL SILVER

AHS:bfm

8)

Since the publication of "Where Judaism Differed", Rabbi Silver has been honored by Dropsie College for Hebrew and Cognate Learning with the degree of Doctor of Literature; The Hebrew University of Jerusalem has made him an honorary member of the Board of Governors; The Zionist Organization of America has awarded him the Herzl Gold Medallion for his contribution to the establishment of the State of Israel, and the National Conference of Christians and Jews has bestowed upon him the 1959 National Brotherhood Award.

9)

You may wish to consult the list which I suggested in connection with the circularization of my "Where Judaism Differed".

10)

I am inclined to believe that a Spanish translation might be of interest, especially to Jewish communities in Mexico, the Argentine and Latin-America generally.

11)

Publicity in major religious publications of the principle denominations. Among Jewish publications, such magazines as "American Judaism"; "National Jewish Monthly"; "Commentary" and "Conservative Judaism".

12)

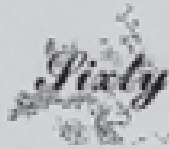
You may wish to refer to the Foreword of my book, "Moses and the Original Torah".

# *The Macmillan Company*

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## RELIGIOUS BOOK DEPARTMENT

GUY BROWN  
DIRECTOR AND EDITOR

June 21, 1961

Rabbi Abba Millel Silver  
THE TEMPLE  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Dr. Silver:

Thank you very much for your letter of June 19, 1961. We are pleased to note that you find the artist's sketch of the jacket for your book to be attractive and satisfactory.

The actual copy for the jacket of the book has not yet been prepared by our Advertising Department, but when it is I shall make a point of it to see that it is sent along to you for your final approval before we go into the production of the jacket.

With every good wish to you, I am,

Yours sincerely,

*Guy Brown*  
Guy Brown

GB:lc



# *The Macmillan Company*

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PACHAMAC NEW YORK

*Publishers*

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*Sixty · Fifth Avenue · New York 11, N. Y.*

## RELIGIOUS BOOK DEPARTMENT

June 30, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
19810 Shaker Blvd.  
Shaker Heights, Ohio

Dear Dr. Silver:

I have now gotten the necessary information to reply to your recent letter inquiring about the mailing date for galleys on MOSES AND THE ORIGINAL TORAH.

Word has come from the printer that the complete set of galleys are expected to be ready for mailing to you by July 17th. This date, of course, does not coincide with your flight schedule to Europe, which is set for July 10th.

There are two possibilities. First, the proofs could be sent to your son for corrections. In that instance, you would later be able to see what has been done when page proofs are ready. These would represent the final text with the corrections made in the galleys. Secondly, we could air post the galleys to you in Europe for your attention over there. If you are to be located at one place for more than a few days, this procedure may really be the best one. Certainly, you would feel certain at the very outset that the text is precisely as you want it in printed form. Looking over page proofs would then be rather easy, as you would want primarily to be sure that the specified corrections made in galleys were, in fact, made in the page proofs.

So, if we can properly coordinate the mailing dates to fit into your travel plans, this second course of action may be the one you would prefer. You decide, and let me know which plan we are to follow. We shall abide by your wishes in the matter.

Yours sincerely,

*Guy Brown*  
Guy Brown

GB:ah

# *The Macmillan Company*

CABLE ADDRESS  
PACHAMAC NEW YORK*Publishers*TELEPHONE  
OREGON 5-4000*Sixty · Fifth Avenue · New York 11, N. Y.*

August 11, 1961

Dr. Abba Hillel Silver  
19810 Shaker Boulevard  
Shaker Heights, Ohio

My dear Dr. Silver:

I am happy to inform you that page proofs of MOSES AND THE ORIGINAL TORAH will be mailed to you on August 25th.

I understand from Mr. Brown that you will read and return the proofs within twenty-four hours, and that copy for the index will be forthcoming two days later. Since we are all eager to see your book published as quickly as possible, I hope there will be no difficulty in keeping to this schedule.

Thank you for your cooperation.

Sincerely yours,

*Ada Shearon*

Ada Shearon  
Manufacturing Editor  
Trade Editorial Department

as:rr

7-2

# The Macmillan Company

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*Sixty · Fifth Avenue · New York 11, N. Y.*

## RELIGIOUS BOOK DEPARTMENT

August 15, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
The Temple  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Dr. Silver:

Your visits to our New York offices always add luster to the day. I am usually chided for not introducing you to more of our Macmillan family. So, next time I must remember to have you meet several more of the people who work with your books. Miss Ruth Ruttenberg especially wanted to meet you. She has worked ~~on~~ a new book and has an honest and informed admiration for your work. Ruth is the daughter of a Rabbi in Long Island.

I have given Miss Capel's letter to our Sales Manager, Mr. Pfreaner, for handling. I am sure that he will take early measures to plan for a second autograph party in Cleveland.

The only complicating factor I can see in production relates to Hebrew composition. This special work is done by a separate compositor, and we are somewhat dependent upon his promptness so that the production can be a symphony of efficient correlation. We are moving right along with the corrections to the galleys.

Many thanks for sending along the Hebrew edition of WHERE JUDAISM DIFFERED. I shall prize having it, especially with your kindly inscription.

Uncorrected galleys were sent to J.P.S. so that they can soon decide on whether or not the new book is one that they can promote in a sizeable way, as they did in the instance of W.J.D. Their committee meets in September.

With all good wishes,

Yours sincerely,

*Guy Brown*  
Guy Brown

GB:ah

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*Publishers*

TELEPHONE  
OREGON 5-4000

*Sixty · Fifth Avenue · New York 11, N. Y.*

## RELIGIOUS BOOK DEPARTMENT

August 18, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Dr. Abba Hillel Silver  
The Temple  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Dr. Silver:

I am writing this hasty note to inquire whether you would be good enough to prepare a three or four paragraph "blurb" for jacket flap copy on the new book. The proofs of the front matter have not yet arrived, and our advertising department is without adequate ammunition for an effective salvo. It will help tremendously if this can be gotten off to me in a few days.

The advantage would be that you will have obviously approved of your own copy, and we will have the facts in proper perspective. Our advertising people will give your proposed copy any necessary final touches for style and promotion appeal.

I trust that this request will not arrive at an inconvenient time. Our deadline for a completed jacket is around the corner.

*& About 200 words*

GB:ah

Cordially,

*Guy Brown*  
Guy Brown

P.S. If all goes well, we expect to have stock early in October.

# *The Macmillan Company*

CABLE ADDRESS  
PACHAMAC NEW YORK*Publishers*TELEPHONE  
OREGON 5-4000*Sixty · Fifth Avenue · New York 11, N. Y.*

August 18, 1961

Dr. Abba Hillel Silver  
19810 Shaker Boulevard  
Shaker Heights, Ohio

My dear Dr. Silver:

The complete page proofs of MOSES AND THE ORIGINAL TORAH have arrived here even earlier than expected, and I am sending them to you by air parcel post special delivery. The proofs include the text and all of the preliminary matter-- the half-title, card, title, copyright, and dedication pages, the acknowledgment and author's note, the foreword and the table of contents.

Will you once again check the marked proofs carefully for typographical and other errors, entering your corrections in the margins of the proof? Please make sure to complete the cross references so that we can be certain they are as you want them. The marked set of proof and the dead galleys are to be returned to me. The duplicate proofs are for your use in preparing the index.

I hope that the early arrival of the proofs will not inconvenience you. If at all possible, we would like to have them returned to us by August 22nd or, at the latest, the 23rd.

Sincerely yours,

*Ada Shearon*

Ada Shearon  
Manufacturing Editor  
Trade Editorial Department

as:rr

We are also reading a set of proofs here in the house for typographical errors. I am fortunate enough to have an assistant who reads Hebrew!



August 21, 1961

Miss Ada Shearon  
Manufacturing Editor  
Trade Editorial Department  
60 Fifth Avenue  
New York 11, New York

My dear Miss Shearon:

I am returning to you via Air Parcel Post, Special Delivery the page-proofs of "Moses and the Original Torah" which I checked.

I find that the Hebrew text on pages 59, 70 and 94 have not been set. I should like to see them after they are set. I note that on the card only two of my recent books are listed. I added also "The History of Messianic Speculations in Israel" which was also published by the Macmillan Company. If it is the custom to list also books previously issued by other publishers, I would add the following:

*in a*  
"Religion ~~and~~ Changing World"  
"The World Crisis and Jewish Survival"  
"Vision and Victory"

The index to the volume is now being prepared by the Temple Librarian, Miss Miriam Leikind, who is now in New York. I sent her this morning the duplicate page-proofs. She will have the index ready, I am sure, in two or three days and will bring it to you in person. I should like to see proofs of the index and perhaps the final page-proofs of the entire volume.

With warmest regards, I remain

Very cordially yours,

AHS:bfm

ABRA HILLEL SILVER

Air Mail  
Special Delivery

August 21, 1961

My dear Miriam:

It was good to talk to you this morning. I am sending you via Air Parcel Post and Special Delivery the page-proofs of "Moses and the Original Torah". When you have the index ready, please take it down to the Macmillan Company, 60 Fifth Avenue, and give it to Ada Shearon, Manufacturing Editor, Trade Editorial Department. If she is not in, you may leave the index with Mr. Guy Brown, who is head of the Religious Department. The telephone of the Macmillan Company is ORegon 5400. You may wish to telephone to Miss Shearon before you take the index down.

I hope you are having a nice vacation. With warmest regards, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:bfm

Miss Miriam Leikind  
c/o D.A. Stein  
3900 Greystone  
Riverdale 65, New York

August 21, 1961

Mr. Gay Brown  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

My dear Mr. Brown:

I am enclosing herewith, at your request, the draft  
of a "blurb" for the jacket of *Shema* and the Original  
Torah.

With warmest regards, I remain

Very cordially yours,

ABRAHAM HILDEL STEIN

AHS:bfm



Here is a fresh approach to the immortal book which gave new directions to the spiritual life of man -- the Torah of Moses.

All the prophets of Israel regarded themselves as summoned to champion and defend this original Torah. Mighty battles raged around its revolutionary doctrines.

What were these doctrines? Where can they be found? And how did they fare in their struggle for acceptance and survival?

And who was this man, Moses, the pioneer religious genius of all times whose spiritual and ethical insights constitute the most radical shift in the religious thought of mankind and influenced so profoundly Western civilization.

Dr. Abba Hillel Silver, noted scholar, student of religion and among the foremost leaders of world Jewry, has made these the subject of his penetrating study, "Moses and the Original Torah".

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## RELIGIOUS BOOK DEPARTMENT

GUY BROWN  
DIRECTOR AND EDITOR

August 23, 1961

Dr. Abba Hillel Silver  
THE TEMPLE  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Dr. Silver:

Thank you for your note of August 21, 1961, and the enclosed "blurb" for the jacket which will be most helpful to our copywriter in the Advertising Department. I believe that the frontmatter is now in hand so that if it is necessary to expand the blurb somewhat, that procedure can be followed with the accuracy of your intent.

The fine spirit of cooperation on your part is ever appreciated, and a source of encouragement to your editor and all who work together in the preparation of your book for publication.

With my best wishes to you and Mrs. Silver,

Cordially,



Guy Brown

GB:lc

ATLANTA

CHICAGO

DALLAS

SAN FRANCISCO

LONDON

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BRETT-MACMILLAN, SALT, ONTARIO

# *The Macmillan Company*

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August 24, 1961

Dr. Abba Hillel Silver  
19810 Shaker Boulevard  
Shaker Heights, Ohio

My dear Dr. Silver:

Thank you for your prompt return of the page proofs of MOSES AND THE ORIGINAL TORAH. I'm certain the printer will have no difficulty making the corrections you ask for.

We have decided to add the four titles of your previous books, and the card page will be revised accordingly.

It is not our practice to send revised page proofs to the author, since these are checked very carefully here in the house. We will, however, send you confirmation proof of the pages requiring resetting of Hebrew type, though these too will be checked by us.

As of today we have not received copy for the index. Again, we do not usually send proof of the index to the author, but if the schedule allows, we will make every effort to enable you to see this proof.

Sincerely yours,

*Ruth Routtenberg*

Ruth Routtenberg  
Assistant to Miss Shearon

August 29, 1961

Miss Ada Shearon  
Manufacturing Editor  
Trade Editorial Department  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

My dear Miss Shearon:

I am returning herewith the confirmation proof of the four pages which you sent me. There is one correction this time, not in Hebrew, on page 177 which I indicated, where the "t" should be a "d".

With all good wishes, I remain

very cordially yours,

ARPA HIEBEL SILVER

ARS:bfm

Enclosure

VIA AIR MAIL

SPECIAL DELIVERY

ATLANTA

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# *The Macmillan Company*

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OREGON 3-4000

*Sixty · Fifth Avenue · New York 11, N. Y.*

August 29, 1961

Dr. Abba Hillel Silver  
19810 Shaker Boulevard  
Shaker Heights, Ohio

My dear Dr. Silver:

At your request I am sending you the enclosed confirmation proof of the four pages on which Hebrew type had to be reset. When you have entered any necessary corrections on the proofs, will you send them back to me by return mail, air mail special delivery?

Sincerely yours,

*Ada Shearon*

Ada Shearon  
Manufacturing Editor  
Trade Editorial Department

as:rr

October 25, 1961

Miss Astrid Hanson  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

My dear Miss Hanson:

When my book, "MOSES AND THE ORIGINAL TORAH", is published, I would appreciate if you would have one hundred (100) copies sent to me here at the Temple. Please send the bill to me.

I should be interested to know what your plans are for the initial announcement of the Book in the public press.

With warmest regards, I remain

Very cordially yours,

ABRAHAM HILLEL SILVER

ABS:bfm

# *The Macmillan Company*

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## RELIGIOUS BOOK DEPARTMENT

October 27, 1961

GUY BROWN  
DIRECTOR AND EDITOR

Rabbi Abba Hillel Silver  
The Temple  
East 105th St. & Silver Park  
Cleveland 6, Ohio

Dear Dr. Silver:

Thank you for your letter of October 25th and the order for 100 copies of your book, MOSES AND THE ORIGINAL TORAH. The order is now being processed.

In reply to your inquiry regarding plans for the initial announcement of your book in the public press. Ads for the month of December will appear in AMERICAN JUDAISM, NATIONAL JEWISH MONTHLY and COMMENTARY. Follow-up ads will run in selected media after January 1, 1962.

With kindest regards,

Yours sincerely,

*Astrid Hansen*  
Astrid Hansen

AH:lc

# *The Macmillan Company*

CABLE ADDRESS  
PACHAMAC NEW YORK*Publishers*TELEPHONE  
OREGON 5-4000*Sixty · Fifth Avenue · New York 11, N. Y.*

February 16, 1962

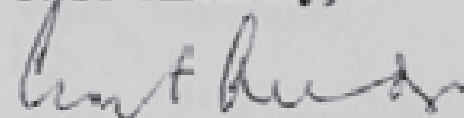
Rabbi Abba Hillel Silver  
The Temple  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Rabbi Silver:

I had a note from the Manufacturing department telling me that the changes made in the galley proofs of MOSES AND THE ORIGINAL TORAH considerably exceed the allowance allocated to the author in the contract.

You will remember that the contract provides that the author shall be allowed to make without charge, changes in the galley proofs as long as the cost of making the changes does not exceed 10% of the cost of the original composition. 10% of the cost is, of course, reached long before 10% of the manuscript has been changed. In this case they say that the total cost of the corrections made by the author is \$141. A 10% allowance would come to \$14.2 and this leaves a balance of \$298 which they suggest we charge to your royalty account. I hesitate to do this without consulting you since there may well have been special circumstances which called for these substantial changes.

Yours sincerely,



Clement Alexandre

CA:lc



March 2, 1962

My dear Mr. Alexandre:

Upon my return to Cleveland, I find your letter of February 16th in which you inform me that the Manufacturing department told you that the changes made in the galley proofs of my book considerably exceed the allowance allocated to the author in the contract.

I am not aware that I made any considerable changes in the galley proofs, certainly not involving you in a total cost of \$441.00. I should like to have copies of the galley proofs in which I made such extensive changes. I recall that there were typographical errors, both in the English and in the Hebrew, which I had to correct.

With warmest regards and all good wishes, I remain

Very cordially yours,

ASRA HELLEL SILVER

ANS:bfm

Mr. Clement Alexandre  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

March 2, 1962

My dear Mr. Alexander:

You may be interested in the enclosed review of  
"MOSES AND THE ORIGINAL TORAH" which appeared in the  
"American Zionist", an important publication which  
reaches more than one hundred thousand subscribers.  
It was nice to have seen you yesterday.

With warmest regards, I remain

Very cordially yours,

ANNA HILLEL STUVER

AHS:hs

Mr. Clement Alexander  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

March 7, 1962

My dear Mr. Alexandre:

I would appreciate if the Macmillan Company would send me fifty (50) copies of my book, "MOSES AND THE ORIGINAL TORAH" and send me a bill.

With all good wishes, I remain

Very cordially yours,

ABRAHAM SILVER

AMS:bfm

Mr. Clement Alexandre  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

ATLANTA

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March 14, 1962

Rabbi Abba Hillel Silver  
The Temple  
East 105th and Silver Park  
Cleveland 6, Ohio

Dear Rabbi Silver:

Thank you for your letter of March 2. I am sending to you herewith the galley proofs and page proofs on MOSES AND THE ORIGINAL TORAH. Author's changes are marked with an A in the margin.

Thank you for the review in the American Zionist. I am sending to you herewith the review which has just come in the Christian Century.

Yours sincerely,



Clement Alexandre

CA:lc  
ENC.

*P.S. The materials listed above are  
being mailed under separate cover.*

March 19, 1962

My dear Mr. Alexandre:

Thank you for sending me the galley-proofs and the page-proofs on "MOSES AND THE ORIGINAL TORAH".

On checking, I find that the number of lines marked with an "A" by you, in the margin of the galley-proofs, amounted to approximately 386 lines. The number of lines per page in the printed copy is approximately 38 lines, representing, therefore, ten pages, which are not ten percent of the manuscript, but five percent. I do not, therefore, see how making changes totalling less than five percent of the pages of the book, involved a cost of \$441.00. I do not see how such a cost is reached "long before ten percent of the manuscript has been changed".

I saw the advertisement of my book in the "New York Times" of yesterday. It is good. I wonder where else the advertisement of the book will appear.

With all good wishes, I remain

Very cordially yours,

ABBA HILLEL SILVER

AHS:bfm

P.S. -- Under separate cover, I am returning the galley and page-proofs of the book.

A.H.S.

Mr. Clement Alexandre  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

ATLANTA

CHICAGO

DALLAS

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LONDON

MANILA

BRETT-MACMILLAN, GALT ONTARIO

# *The Macmillan Company*

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PACHAMAC NEW YORK*Publishers*TELEPHONE  
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24 May, 1962

Rabbi Abba Hillel Silver  
The Temple  
East 105th Street & Silver Park  
Cleveland 6, Ohio

Dear Rabbi Silver:

I have enclosed an envelope of reviews which I have stolen red-handedly from our publicity department's files, so after you have read them, would you be good enough to return them?

The sales figures on MOSES AND THE ORIGINAL TORAH are as follows: regular, 2619; foreign, 20; foreign consignment, 132 -- for a total of 2771. Our figures are up to the minute.

We have purchased space --one half page, I believe-- in the next issue of the JOURNAL OF THE BIBLE AND RELIGION. It will appear in July.

If you should want copies of any of those reviews of MOSES, specify which ones and I shall have them duplicated, if it is at all possible.

Yours sincerely,

*Susan Freeman*

Susan Freeman  
Religion Department

11/11/2021

Following up our conversation yesterday, I asked the Librarian of the Temple to check through the volumes of "The Journal of Bible and Religion". She found no advertisement there of my book.

I must say, regretfully, that my book, "MOSES AND THE ORIGINAL TORAH" received rather shabby treatment at the hands of your advertising department. The agreements which I reached with your predecessor were, in the main, ignored. It is not too late to correct the situation and to give this last book of mine the same treatment which my "WHERE JUDAISM DIFFERED" received.

Very cordially yours,

ABRA HILLEL SILVER

ANS: b, c, d

Mr. Clement Alexandre  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

May 29, 1962

My dear Miss Freeman:

Permit me to thank you for your thoughtfulness in sending me the reviews of my book. I am returning them herewith. I shall look forward to the advertisement of my book "MOSES AND THE ORIGINAL TORAH" in the forthcoming issue of the JOURNAL OF THE BIBLE AND RELIGION.



Very cordially yours,

ABBA HILLEL SILVER

AHS:bfm

Miss Susan Freeman  
Religion Department  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York



August 17, 1962

My dear Miss Freeman:

On May 24th you wrote me as follows:

"We have purchased space -- one half page, I believe -- in the next issue of the JOURNAL OF THE BIBLE AND RELIGION. It will appear in July."

I have received a copy of the July issue of the JOURNAL OF THE BIBLE AND RELIGION and there is no advertisement of my book, MOSES AND THE ORIGINAL TORAH in it. I wonder what has happened and why the advertising of my book has been so slipshod and so belated.

With all good wishes, I remain

Very cordially yours,

ABRA HILLEL SILVER

AHS:bfm

Miss Susan Freeman  
Religion Department  
The Macmillan Company  
60 Fifth Avenue  
New York 11, New York

ATLANTA

CHICAGO

DALLAS

SAN FRANCISCO

LONDON

MANILA

BRETT-MACMILLAN, GALT, ONTARIO

# *The Macmillan Company*

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August 24, 1962

Rabbi Abba Hillel Silver  
The Temple  
University Circle and Silver Park  
Cleveland, Ohio

Dear Rabbi Silver:

I have done a bit of research on the past advertising schedules for MOSES AND THE ORIGINAL TORAH, and that is why I've taken so long to answer your letter of August the 17th.

I was misinformed about the ad which was to appear in the Journal of the Bible and Religion, because that same ad appeared in the April 1962 issue. I enclose a photostat of it herewith.

I have also found that there have been a number of advertisements for your book. This is a list of them:

BOOKLIST	8/61
LIBRARY JOURNAL	9/61
BLOCK BOOK BULLETIN	Fall-Winter 1961
AMERICAN JUDAISM	12/61
COMMENTARY	12/61
NATIONAL JEWISH	
MONTHLY	12/61
CLEVELAND PLAIN	
DEALER	11/12/61
JOURNAL OF BIBLE AND	
RELIGION	4/62
N.Y.T. BOOK REVIEW	3/18/62

I wonder if you have seen any of these? If not, perhaps I will be able to find copies of them here and send them on to you.

Yours sincerely,

*Susan Meister*

Susan Meister  
Religion Dept.

the Roman authorities in the city when they found that it was necessary to have some official description of the group or sect, which by now, in Antioch, was becoming distinct from Judaism" (p. 275).

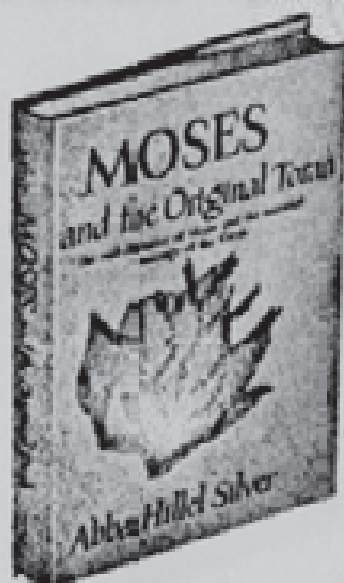
For these reasons, as well as for many others, this volume is a welcome—indeed an exciting—addition to the many books on ancient life and culture. The author, Glanville Downey, is eminently qualified, as the volume itself testifies, to produce this important work. He was a member of the excavation staff that broke ground at Antioch in the first season and he has collaborated in the excavation reports. At present he is Professor of Byzantine Literature at the Dunbarton Oaks Research Library and Collection of Harvard University. The excavations at Antioch from 1932 to 1939 and the resulting special studies on various aspects of the city's history have revolutionized and broadened the whole field of Antioch studies. Pro-

fessor Downey has been active in all aspects of this work.

The three opening chapters (after an introduction) deal with the physical resources of the area, sources for the history, and a discussion of the area in pre-Macedonian times. With a chapter on the founding of the city, the author proceeds to unfold the life of Antioch ruler by ruler. This plan is interrupted momentarily by chapter 11, "The Christian Community at Antioch, from Apostolic Times to A.D. 284," which occupies forty-five pages. Here Downey deals briefly with such topics as the Nicolaitan Heresy and Gnosticism; Bishop Ignatius and Paul of Samosata. The discussion of the history of the city ends with the Arab conquest of Syria and Antioch in 637-38 A.D. Historical and topographical excursus totals one-hundred pages of appendixes. Translations of Orations Five and Ten of Libanius, a list of abbreviations, a bibliography of twenty-two

## The Jewish Religion—What It Was and What It Means Today MOSES AND THE ORIGINAL TORAH

By Abba Hillel Silver



Now, when religious unity and understanding are so desperately needed, this penetrating study reaches back through the speculative haze of centuries to trace the actual origins of Judaism along a startling new line. Dr. Silver brings new insight to the pure and unmistakably clear teachings of Moses and points out, for all time, the common heritage of Christians and Jews.

\$3.95 at your bookstore

MACMILLAN, 60 Fifth Ave., New York 11 A Division of The Crowell-Collier Publishing Company

*Prof Butler's Religion Apr 1962*

## Evolution in Things of the Spirit?

What is intrinsically exalted in man's spiritual life does not necessarily come late in time. It is not permissible to assume that a steady crescendo of climaxes exists in matters of the spirit. Of spiritual progress we must think only in very extensive cycles and in large intervals of human history. Great ideas are not always late in time in relation to the laws and customs of a people, however primitive and archaic they may be. As often as not these ideas had been projected very early by some extraordinary spiritual personality.

The evolution of an ideal follows a line of its own. Moral ideals do not evolve from unconscious human behavior. Nor is their advance necessarily slow and gradual. Often they come as a flash of light. It is futile to attempt to trace the development of a religious culture to impersonal forces and to apply evolutionistic processes and judgments to it. It is often the fortuitous appearance of a forceful personality, possessed of a new idea, which gives new substance and direction to a people's religious life, and no one can explain how and why he appeared. It is one of the unaccountable "accidents" in the spiritual and intellectual history of the human race. It is the creative spiritual endowments of exceptional personalities which are responsible for the change that takes place, and the change is quite conscious and deliberate.

Almost two thousand years ago, Paul declared: "And he made from one every nation of men to live on all the face of the earth" (Acts 17:26). Today, in the United States, where Paul's religion is the accepted faith of the vast majority of citizens, there are laws of segregation and degradation based on color and race written into the statute books of several Southern states. Shall we, therefore, conclude that Paul's teaching postdated these laws?

In the eighth century B.C.E., Isaiah projected a vision of world peace and disarmament. Twenty-seven centuries later, we find the nations of the world, many of them acknowledging the authority of the Bible, emerging from the carnage of two world wars and proceeding to arm themselves anew and with still deadlier weapons. Law lags far behind the moral upreaching of the spiritual leaders of a people. It is not incongruous, therefore, to find in one and the same code, laws of a primitive character side by side with the most lofty and exalted ethical principles and ideals which are no less ancient than the laws themselves. It would be a distortion of the true and total picture of a people's civilization at any given time if only its laws were presented, or only its spiritual ideals and hopes.

Very often in religious history the pathfinding ideas come early and are carved out of the jungle of ancient and rampant growth by a spiritual pioneer. For a time they succeed in thrusting back the jungle's relentless encroachment. Later, the jungle sometimes takes over again. This was the case with the original religious ideas of Zarathustra. The religion which he proclaimed was a monotheism, free of mythology, ritual, magic, and divination, free of images, temples, and priesthood. Before long, however, traditional, customary, and inveterate beliefs and practices returned and took over again. Its basic monotheism was compromised and ancient rites, including the cult of the haoma plant, were restored.

This was true also of Buddhism. Its original ideas did not evolve gradually. They leaped out of the mind and soul of Gautama and through the succeeding centuries they became debased and corrupted. The Gospel of Jesus shared a similar fate. Two thousand years of Christianity added nothing of intrinsic excellence to the original teachings of Jesus. In some ways they only tended to obscure them, and time and again efforts were made by the faithful to rediscover them beneath their thick overlay and reassert their pristine character. This was true also of the original Torah of Moses.

It is well to remember also that the great religious pioneer does not as a rule propose any detailed and specific laws and ordinances. This is the work of disciples, of those who come after him. He himself brings a new truth, and he asks of his followers a new attitude in conformity with the new truth, new ways of viewing life and a new approach to conduct in personal and social behavior. He offers a program, not its detailed implementation. The right kind of laws, he is confident, will in due time be enacted when his truth penetrates the souls of men. Perhaps no hard and fast laws will then be at all necessary. They will then be written, as Jeremiah asserted, upon the hearts of men.

Neither Zarathustra nor Gautama, nor Lao-tse nor Confucius gave systems of laws to their people, or elaborate and involved philosophies. They gave them a few simple, radical and enkindling ideals.

Gautama, the Buddha, who meditated long upon the burden of life and how to escape it, announced, upon his enlightenment, Four Noble Truths touching the nature of existence and the cause of human suffering. He then pointed to an Eightfold Path by which man could escape the trammels of life and its round of suffering. This was his message—concise, simple, and profound—a new spiritual insight which he gave to his generation. Much was to flow from it in subsequent generations, scriptures, commentaries, laws, legends, cults, and monasteries. Opposing schools of thought would arise whose teachings the Buddha himself would have had great difficulty in recognizing. The original teachings, however, of the Buddha were few, simple, categorical, and in their nature absolute and eternal.

When the Buddha was asked by one of his followers, a monk, to give him answers to a number of very obtuse metaphysical questions lest he discontinue his adherence to the Buddhist order, he replied: "Suppose a man were wounded with a poisoned arrow, and his friends should bring a physician or surgeon to treat him. Suppose this man said: 'I will not have this arrow removed or the wound treated until I find out all about the man who shot me, his name, caste, size, personal appearance, and residence, and also the exact nature of the materials used in making the arrow, the bowstring, and the bow.' Would not such a man die of the poisoned wound before he found the answers to all these idle and irrelevant questions? In the same way the Buddha's doctrine of the religious life does not depend on the nature of the world or the nature of the soul, or on what will become of the Buddha after his death. Whatever the nature of the world or of the soul may be, there still remains mundane existence, which is suffering, and the elimination of which it is my business to teach. I have not elucidated the matters you refer to because they are unprofitable, they do not concern the funda-



2—SILVER—Moses and the Original Torah—11x12x25 Bask.  
mentals of religion, and do not lead to nirvana. What I have elucidated is only that which does profit, which does concern the fundamentals of religion, and which does lead to nirvana, namely this: the truth of suffering, the cause of suffering, the release from suffering, and the way to the release from suffering."<sup>1</sup>

<sup>1</sup> See Franklin Edgerton, "Did the Buddha Have a System of Metaphysics," *Journal of the American Oriental Society*, Vol. 79, pp. 81ff.

This is true also of Zarathustra, the founder of Zoroastrianism. He saw duality in the universe, light and darkness, good and evil, in continuous conflict involving both nature and mankind. The Power of Light and Goodness, he announced, will ultimately triumph. It was the duty and privilege of men to be on the side of this Power—Ahura-Mazda—and by a life of good deeds, good words, and good thoughts cooperate with him in hastening the destruction of the Power of Darkness and Evil—Angra Mainyu. This was Zarathustra's basic teaching to his generation, a gospel of confident righteousness, couched in the most general terms of inner dispositions and attitudes.

Likewise Confucius, though a realist and interested primarily in human behavior, in social and political righteousness rather than in theology, gave his generation not a code of civil or criminal laws, but broad, general principles of human conduct, virtues, and proprieties calculated to facilitate life and ensure peace and happiness. "If the people be led by laws, and uniformity sought to be given them by punishments, they will try to avoid the punishment, but have no sense of shame. If they be led by virtue, and uniformity sought to be given them by the rules of propriety, they will have the sense of shame, and moreover will become good" (*Analects* II, 3). Confucius defined in simple terms what he meant by perfect virtue: "That which is according to the Constant Mean" (VI, 27). Also: "Not to do to others as you would not wish done to yourself" (V, 11; XV, 23).

Lao-tse, founder of Taoism, who was a contemporary of Confucius, also gave his metaphysical teachings only in broadest generalities. It is important for man to establish an inner harmony and gain an understanding of reality, and proper conduct would then follow as a matter of course. If men would only learn the limitations of all action and effort, they would welcome moderation and quietude. They would not "face the world with arms." The Tao of heaven is sometimes "to leave it alone." There is virtue in noncontention, because all things move in cycles and revert to their opposites.

Jesus was not interested in formal law at all but in the higher righteousness, "the duties of the heart." He was not a reformer of any law. His mind focused on the inner intent in the observance of any law. His Kingdom was not of this world. In order that men might enter that Kingdom, he gave them not a new set of laws, but a restatement of the original Torah of Moses, whose first and foremost commandment, he believed, was found in the Deuteronomic Code (Deut. 6:5): "You shall love the Lord your God with all your heart and with all your soul, and with all your might," and the second great commandment was found in the Holiness Code (Lev. 19:18): "You shall love your neighbor as yourself" (Matt. 22:36-39). The key to his Kingdom was the love of God and man, a love which precluded all forceful resistance to evil.

The Koran contains few laws in its 114 suras, although the elaborate Sharia, the canon law of Islam, containing the prescriptions, duties, and laws which developed in the Mohammedan world, traces itself back to the Koran and to Mohammed. The Koran is not a law book and records no considerable reform of law or current practices other than infanticide. The five "pillars" or obligatory duties prescribed for the Muslim contain only two ritual prescriptions—fasting in the month of Ramadan and a pilgrimage to Mecca. The Koran is a book of revelations summoning men to faith in the absolute sovereignty of Allah, One and Imageless, and resignation to his will. It calls men to a brotherhood of all believers, to prayer, charity, and compassion.

Moses did not elaborate a theology or a code of laws. Though he was trained in the court of Pharaoh and was fully instructed in the creation myths which were prevalent in such incongruous diversity in Egypt and everywhere else in the ancient world and which constituted the very essence of all the naturalistic religions, and though he was also familiar with the rituals and solemnities which enacted these myths, Moses refused to make myth a part of the religion of YHWH. His religion would be free of myth and its dark legacy of spiritual chaos. He likewise did not prescribe any elaborate ritual for the worship of the One spiritual, unrepresented YHWH. In the name of YHWH he gave his people "Words" of moral guidance and instruction and committed them to live by them and for them. This was his Torah, the original nucleus of what through subsequent ages developed into Judaism. In the course of time, this Torah came to be overlaid with much heavy embroidery. Priest, scribe, rabbi, and mystic lovingly draped it, each in his own favorite garb. At times they even came to regard their favored costumes as the very substance of the Torah itself. But the original Torah, in its purity and perfection, endured. Fortunately not all the amplifications of later ages were nugatory. Some reinforced the original Torah and by their techniques both shielded it and made it more readily operative.

## 2

### The Torah That Men Had Rejected

When the prophet Amos (eighth century B.C.E.), speaking in the name of YHWH, confronted his people with the challenging question: "Did you bring to me sacrifices and offerings the forty years in the wilderness, O house of Israel?" (Amos 5:25), he was clearly expecting a negative response. He would not have uttered his challenge if it were generally held on the basis of a long-established tradition or a sacred document, that such sacrifices had in fact been offered during the forty years of the wandering of their ancestors in the wilderness. On the contrary, Amos' rhetorical question presupposed that the people *knew* there had been no such sacrifices.

But the Exodus narratives in the Pentateuch tell of Moses' request of Pharaoh for permission to lead the people of Israel out into the wilderness, a three-day journey, so that they might

3—SILVER—Moses and the Original Torah—11x12x25 Bask. sacrifice unto YHVH their god (Exod. 3:18). He also requested from Pharaoh animals for sacrifices and burnt offerings "that we may sacrifice unto YHVH our God" (Exod. 10:25). All the legal codes of the Pentateuch take the institution of sacrifices for granted.

How could Amos have said what he did say unless there existed an older code or tradition, which the people associated with Moses and the Exodus, which ignored sacrifices? Sacrifices were, of course, widespread at all the sanctuaries of Israel and Judah, and Amos was fully aware of the fact. Nevertheless, he dared to assert that these had no precedent in the practices of the ancestors of Israel after they left Egypt and presumably had never been ordained by Moses. Amos did not attack the institution of sacrifices in his own name. He did not just express his personal disapproval of them. Nor did he announce that YHVH now wished to have them discontinued, although He had previously commanded them. Amos categorically declared that they had never been practiced by the people of Israel through their forty years' wandering in the wilderness, with the clear implication that they had never been commanded to do so by YHVH.

If no sacrifices were offered in the wilderness, there was no need for a priesthood whose function it would be to officiate at them.

The biblical account of sacrifices offered at the Tent of Meeting (*Mishkan, Chel Mo'ed*) during the years of wanderings in the wilderness must therefore be viewed as a later priestly revision, a backward projection into the past, which was intended to give Mosaic authority to the institution of sacrifices and to the Levitical or Aaronic priesthood (Lev. 7:37-38). This same priestly expedient is responsible also for the rather strange tale that the Israelites, before their departure from Egypt, were instructed by Moses to ask of their Egyptian neighbors "jewelry of silver and of gold, and clothing; and YHVH had given the people favor in the sight of the Egyptians, so that they let them have what they asked" (Exod. 12:35-36). Without this gold, silver, and clothing, the Israelites could not, of course, have made the offerings of "gold, silver and bronze, blue and purple and scarlet stuff," and so forth for the furnishing of the Tabernacle in the wilderness (Exod. 25:2 ff.). Deuteronomy makes no mention of the construction of a Tabernacle in the wilderness.

Egypt had a sacrificial system which was undoubtedly well known to Moses and to the Israelites. So did all the peoples of antiquity. Moses would have none of it in the Torah which he gave to his people. He rejected the entire system of sacrifices as a means of worshipping YHVH. This was a religious innovation of a startling and revolutionary character. The elaborate sacrificial system which is found in the Pentateuch was undoubtedly developed later under Canaanite influence. In some instances the very names of the sacrifices were appropriated from them.

Amos knows of a Torah of YHVH (Amos 2:4). He denounces the people of Judah for having rejected this Torah and for not having kept YHVH's statutes. He does not specify wherein this rejection consisted and in what regard they had failed to keep the statutes. He calls attention, however, to "the lies which have led them astray after which their fathers walked." This undoubtedly was understood by his listeners to refer to the worship of other gods and to idolatrous practices. When Amos subsequently enumerates the transgressions of *Israel*, he is more specific: "They sell the righteous for silver, . . . they trample the head of the poor into the dust of the earth." They indulge in the indecent rites which were associated with the worship of Ashtaroth (Amos 2:6-7).

The Torah of YHVH to which Amos referred in addressing *Judah* must certainly have included along with the provisions for the exclusive worship of YHVH and the prohibition of idolatry, statutes for the safeguarding of the rights of the poor and the needy and other matters of social justice which are included in his indictment of *Israel*.

Hosea (eighth century), too, is aware of a Torah of YHVH which the people have transgressed and also of a Covenant which they broke (Hosea 8:1). He, too, assumes that the people knew of what he spoke. He details the nature of their transgressions. They make idols (Hosea 8:4) and offer sacrifices which God has not asked for (Hosea 8:13). "There is no faithfulness [truth] or kindness, and no knowledge of God in the land; there is swearing, lying, killing, stealing, and committing adultery; . . . and murder follows murder" (Hosea 4:1-2). The people have forgotten the Torah of their God (Hosea 4:6).<sup>1</sup>

<sup>1</sup> "I rejected you from being a priest to me" (Hosea 4:1) possibly refers to the role which the prophet reminded the people, Moses had assigned to them. "And you shall be to me a kingdom of priests and a holy nation" (Exod. 19:6).

The Torah of which Hosea speaks likewise did not contain any ordinances for sacrifices: "For I desire steadfast love [*hesed*, kindness] and not sacrifice, the knowledge of God [*da'at Elohim*, i.e. the true worship of God], rather than burnt offerings" (Hosea 6:6). The Torah of which Hosea speaks was undoubtedly the same Torah which Amos quoted as his authority.

Micah (eighth century) does not specifically refer to a Torah of YHVH or to a Covenant. He denounces both Israel and Judah for their idolatrous worship (Micah 1:5-7). The people desire evil. They covet fields and seize them.<sup>2</sup> They oppress a man and

<sup>2</sup> An allusion to King Ahab and Nabot's vineyard? Another reference to "the works of the house of Ahab" is found in Micah 6:16.

his house. The prophets lie. The heads and rulers author justice and pervert all equity. They give judgment for a bribe. They love sorceries, and soothsayers and images and asherim. They have wearied of YHVH who sent them Moses, Aaron, and Miriam and brought them out of Egypt (Micah 6:3 f.). Micah is the first of the literary prophets to mention Moses by name, but the fact of the Exodus is central in the thought of this prophet, as it is of the prophets generally, especially those of the North. Micah reminds the people that YHVH *had already told them* what is good and what He requires of man. Not burnt offerings or thousands of rams or rivers of oil, not human sacrifices, but "to do justice, and to love kindness, and to walk humbly [in probity] with your God" (Micah 6:6 f.).<sup>3</sup>

<sup>3</sup> Micah used a phraseology somewhat different from Hosea's *hesed*, *da'at Elohim*, and *emet*—truth (Hosea 4:1), but the meaning is practically the same. *Hatme'a leche* should be translated "to walk in probity" or "to walk in integrity" rather than "to walk humbly." It is the opposite of *holech rachil*—"to walk in deceit," "crookedly" (Lev. 19:16) connected with the shedding of blood, as in Ezek. 22:9. In Jer. 6:28, the term is connected with acts of destruction.

Micah recalls to the people what they seem to have forgotten. He is not telling them anything that they should not have known. He is clearly referring, though not by name, to a Torah—a sacred set of teachings which had come down to them from the distant past, from Moses and the time of the Exodus.

Isaiah (c. 740) calls upon the rulers of the land, whom he stigmatizes because of their great wickedness as "rulers of Sodom and Gemorrah," to give ear to the "Word of YHVH," to the "Torah of our God" (Isa. 1:10). They, as well as the people, have rejected the Torah of YHVH of Hosts (Isa. 5:24). They are rebellious people who would not listen to the Torah of YHVH



4—SILVER—Moses and the Original Torah—11x12x25 Bask.  
(Isa. 30:9). This Torah demands a different kind of worship—not sacrifices, nor the burnt offerings of rams and the fat of fed beasts. God does not delight in the blood of bulls or lambs, or of he-goats. Incense is an abomination to God. God hates the celebration of new moons and all appointed feasts (Isa. 1:10 ff.).<sup>4</sup> God

<sup>4</sup> Isaiah carefully does not include the Sabbath when, in the name of YHVH, he declares: "Your new moons and your appointed feasts my soul hates;" even though immediately preceding it he had declared: "New moon and sabbath the holding of convocations—I cannot endure iniquity along with the solemn assembly" (Isa. 1:13-14). The Sabbath was ordained by YHVH and was in the original Torah. The new moons and other convocations were not.

wants men "to cease to do evil, learn to do good, seek justice, correct oppressions, defend the fatherless, plead for the widow" (Isa. 1:16-17). *This* is the Torah which the people had received and which they had rejected. They were not turning their backs upon any new doctrines or teachings which he, the prophet Isaiah, was bringing to them. He was only the messenger who had been sent by YHVH to admonish the people to return to the Torah of YHVH which had been given to their ancestors and from which they, their descendants, had strayed.<sup>5</sup>

<sup>5</sup> Isaiah knows of a "Book of YHVH" (Isa. 34:16). He calls upon people to read from it in connection with the desolation which will overtake Edom. The allusion here, however, is too obscure to draw any conclusion from it.

No prophet drives home the thought that there was an original Torah which did not contain any reference to sacrifices more forcibly than Jeremiah. His is the most unqualified assertion of all: "Thus says YHVH of hosts, the God of Israel: Add your burnt offerings to your sacrifices, and eat the flesh. For in the day that I brought them out of the land of Egypt, I did *not speak to your fathers or command them* concerning burnt offerings and sacrifices" (Jer. 7:2-22).

Amos had declared that the ancestors of Israel in the wilderness had not offered any sacrifices (Amos 5:25). Jeremiah now states categorically that YHVH never *commanded* them anything concerning sacrifices.

Jeremiah refers to a class of religious leaders in his day, other than priests, shepherds, (rulers), and prophets, who were known as *toise Ha-Torah*, "they that handle the Torah," "the guardians of the Torah" who, like the others, had betrayed their trust (Jer. 2:8). This would suggest not only that there was in existence a recorded Torah but that it was entrusted to a special group of men, whose task apparently it was to guard it and teach it to the people.

The people had forsaken this Torah which YHVH had given them (Jer. 9:12). All the evil which had come upon them was due to the fact that they had forsaken YHVH and had not kept His Torah (Jer. 16:11, also 6:19).

Jeremiah singles out for distinction only two figures from his people's long past, Moses and Samuel. "Though Moses and Samuel stood before me, yet my heart would not turn toward this people" (Jer. 15:1). Moses was their leader at the time of the Exodus and Samuel at the time of the founding of the monarchy. Both prayed and pleaded for the people in dark and perilous hours of divine wrath (Exod. 32:11-14, 30-32; 1 Sam. 7:5-8). Jeremiah's admiration for Samuel was undoubtedly inspired in part by the latter's attitude toward sacrifices. Though himself a priest in the sanctuary of Shiloh and elsewhere, he proclaimed: "Has YHVH as great delight in burnt offerings and sacrifices, as in obeying the voice of the Lord? Behold, to obey is better than sacrifice, and to hearken than the fat of rams" (1 Sam. 15:22). Samuel, centuries later and under changed conditions, tried to continue the spiritual tradition of Moses.

The Temple in Jerusalem, Jeremiah proclaimed, would become a heap of ruins, like Shiloh, if the people persisted in ignoring the Torah which YHVH had set before them (Jer. 26:4).

This Torah, which contained no ordinances about sacrifices, *did* contain instructions that men should execute justice toward one another, that they should not oppress the alien, the fatherless, and the widow, or shed innocent blood, or worship other gods (Jer. 7:5-6). It did include laws against stabbing, murder, adultery, and swearing falsely and burning incense to Baal (Jer. 8:9).

Jeremiah reminds the people of the Covenant which had been made with the Children of Israel when they left Egypt: "So shall you be my people, and I will be your God" (Jer. 11:4). They had broken this Covenant by worshiping other gods (Jer. 22:9). The people had been persistently warned of the consequences which would follow the breaking of the Covenant. Nevertheless, they walked in the stubbornness of their evil hearts. Therefore, God brought upon them "all the words of this covenant, which I commanded them to do, but they did not" (Jer. 11:8).

Included in this Torah, which was the basis of the Covenant, Jeremiah reminded the people, was the ordinance: "At the end of six years each of you must set free the fellow Hebrew who has been sold to you and has served you six years; you must set him free from your service" (Jer. 34:14). The text in Exodus 21:2 reads: "When you buy a Hebrew slave, he shall serve six years, and in the seventh he shall go out free for nothing."<sup>6</sup> Jeremiah is clearly

<sup>6</sup> The text in Deuteronomy is closer to that of Jeremiah's: "If your brother, a Hebrew man or a Hebrew woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you" (Deut. 15:12). In each instance the law is given casuistically. Jeremiah states it apodictically—as it probably was stated in the original Torah.

quoting an ancient law, well known to the people, but not in the exact words of Exodus or Deuteronomy. It is clear that Jeremiah regarded this ordinance as part of the original Torah. Moses, the emancipator of the Hebrew slaves, was naturally deeply interested in the problem of slavery, and in his basic teachings he incorporated definite instructions on the subject.

Jeremiah hoped for the day when God would make a new Covenant with the house of Israel and the house of Judah, "not like the Covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my Covenant which they broke, . . . But this is the Covenant which I will make with the house of Israel after those days, says the Lord: I will put my Torah *within* them, and I will write it upon their hearts [i.e. not upon tables of stone or in a book]; and I will be their God, and they shall be my people" (Jer. 31:31-33). This new Covenant, Jeremiah hopes, will last forever (Jer. 32:40). Ezekiel too laments the broken Covenant (Ezek. 16:59). In itemizing the sins which led to the breach, Ezekiel's catalogue is reminiscent of the "Words," the *debarim* in the Holiness Code (Lev. 19-26).<sup>7</sup> He, too, hopes for a new Covenant which will supplant the

<sup>7</sup> See below, Chapter 11.  
old, "a Covenant of peace, . . . an everlasting Covenant" (Ezek. 37:26).

It may be noted here that while all the literary prophets refer, in one way or another, to the Torah of YHVH which was given in the wilderness, none of them speaks of Mt. Sinai or Mt. Horeb as the place where it was revealed. The one exception is the gloss in the fifth-century prophet Malachi (3:22). Sinai or Horeb was from very ancient times held by the people to be the holy mountain of YHVH. It was from His home on Sinai that YHVH went forth

Who then was this man, Moses?

Some scholars claim that he never lived. He was a YHWH-Tammuz myth or a personified clan.

It is permissible to dissolve a world personality into a myth if, by so doing, the historic events to which it gave rise are more fully explained. Otherwise the venture is no more than a conjuring trick unworthy of serious scholarship. It is true that a man may live in history who never existed in time, but then the memory of him, which is reflected in literature, his echoing career and his immense influence upon mankind through the long centuries, must in some other way be accounted for.

### 3

## Moses Who Gave Them This Torah

Moses was born in Egypt. His name is Egyptian. That he was a Levite may be questioned.<sup>1</sup> Because he is reported to have

<sup>1</sup> *Infra*, p. 000.

performed priestly functions and was actually considered in an older tradition of Northern Israel, that of the tribe of Dan, (Judg. 18:30) as the founder of its priestly order and because of the quite natural desire of the Judean Levites to trace their genealogy back to him, and thereby to acquire prestige and legitimation, Moses is made out by later hands to have been of Levitical descent. This was done also in the case of Samuel, who was certainly not of the tribe of Levi (1 Sam. 1:1; 1 Chron. 6:28). It is difficult to determine to what tribe Moses belonged.<sup>2</sup>

<sup>2</sup> L. B. Paton believes that he was an Ephraimite, one of the Rachel group of tribes who came out of Egypt under the leadership of Moses (*Journal of Biblical Literature*, XXXII [1913], p. 30).

The legend associated with his birth is not unlike that which is recorded of Sargon I of Akkad and of other national heroes of the past. These familiar legends belong to a standard genre of folk tales which delight in the melodrama of miraculous preservation. They do not in any way impugn the historicity of the very real persons who are the subjects of these legends. All greatness breeds legends.

Moses' youth and early manhood, according to the biblical account, were spent in the palace of the Pharaoh. He was raised and educated as an Egyptian prince in an Egyptian environment. There were many others besides members of the royal household who were quartered in a palace in the capital and were given a princely Egyptian education—hostages, for example, from many conquered provinces and such others as the Pharaohs chose to favor. Not infrequently such "foreigners," many of them Semites, were elevated to very high positions in the government of the country.

Egypt had attained to a high level of civilization in Moses' day. In fact, it was a very old civilization of considerable cultural sophistication into which Moses was born. He grew up in the shadow of ancient pyramids, and the basket of bulrushes in which he was hidden as an infant tossed among the reeds of a river rich in history. Almost a thousand years prior to his day, during the Middle Kingdom, Egypt had already experienced prolonged periods of material prosperity and developed an art and a literature, from which the ethical motif was not wanting. Under the New Kingdom, especially under the Eighteenth (Diospolite) Dynasty, beginning with Tuthmosis III, "the greatest of all the pharaohs" (c. 1504 B.C.E.), Egypt had enjoyed a brilliant age of imperial expansion, great wealth, and the construction of cities and palaces on an heroic scale. Its Asiatic empire embraced the whole of Canaan and Phoenicia and reached as far as the Amanus range and the Euphrates.



The Egyptian religion to which Moses was exposed was undoubtedly an essential part of his upbringing. He was probably educated in "all the wisdom of Egypt" and in the Egyptian way of life—all its lights and shadows. There was much in them from which he recoiled.

There were also Egyptians who reacted similarly. His age abounded in religious ferment, and fell in the backwash of one of the greatest religious upheavals in Egyptian history. It is difficult to determine the exact age of Moses and the Exodus. The most recent scholarship sets them in the early part of the thirteenth century. Not long before that time, Amenhotep IV (Akhenaten, died c. 1354 B.C.E.) had carried out as thoroughgoing a revolution against the cult of Amon, the national god of the New Kingdom, as Egypt had ever known. Whether Akhenaten was "the first individual, the first intellectual leader, the first revolutionist in ancient history" (J. H. Breasted), or "the first doctrinaire in history, and, what is much the same thing, the first prig" (H. R. Hall), or "probably the most fascinating personality who ever sat on the throne of the pharaohs" (G. Steindorff and K. C. Seele), or merely "the tool of others" and not himself the promulgator of the new teaching (W. F. Albright), the fact of his unprecedented religious revolution is unquestioned. He rejected the old gods, the funerary rites and magical practices which were such an integral part of their worship. The temples of Amon were either closed or destroyed. Their endowments were confiscated. The worship of the old gods was prohibited. Their very names were erased from all public monuments, just as his ancestor Tathmosis III, a century or so earlier, had erased the name of Queen Hatshepsut, who had usurped the throne by refusing to surrender her regency, from all temple walls and statues which she had erected, and just as Harmhab was to erase the name of Akhenaten, and destroy the temples and palaces which he built, within a generation after his death. Amenhotep IV ("Amon is satisfied") changed his own name to Akhenaten ("He who is beneficial to Aten"). He even chiseled out from some monuments the name of his own father, Amenhotep III, and of his ancestor Amenhotep II. New temples to Aten were built in Thebes, Nubia, Heliopolis, Memphis, and in the new capital Akhetaten (Tell el-Amarna), which he built and to which he transferred the seat of his government from Thebes, the city of Amon. He may have also erected temples to Aten in Asia.

There had long existed a sharp rivalry between the priesthood of Thebes, whose principal deity was Amon, and that of Heliopolis, whose principal deity was Re, the sun-god, symbolized by the orb of the sun, Aten. Akhenaten was in all likelihood educated or influenced by the Heliopolitan priesthood. He adopted their doctrine of the sun-god as the greatest of gods, and followed this doctrine to its logical conclusion. Aten alone was god and entitled to sole worship. He made the religion of Aten the state religion.

Akhenaten's religious reformation called for the worship of one solar god, represented by the sun-disk with rays terminating in hands holding the symbol of life. The sun-disk was the traditional symbol of the sun-god Re, whose head was that of a falcon, surmounted by the disk and the uraeus serpent. Akhenaten's god retained neither the human form nor the falcon head, nor the serpent—only the disk. The king's reformation was directed against the elaborate worship of the many gods, the welter of their incongruous mythologies and the vast and powerful priestly hierarchy which fattened upon their special privileges.

While it is true that Akhenaten's reformation did not last long and never became the accepted religion of the masses of the people, it was nevertheless a religious revolt of vast proportions which certainly was not soon forgotten. It was far more extensive and thoroughgoing than, say, the reformation which the Judean king, Josiah, carried out seven hundred and fifty years later and which also did not last very long. Circles close to the Pharaoh were profoundly affected by it and violent religious disputations and partisan propaganda must have continued for a long time with all the bitterness and vehemence characteristic of such religious controversies in all ages. They did not die down even after the old religion of Amon was finally restored under Horemheb and during the Nineteenth Dynasty which followed.

Moses moved in the higher intellectual circles of Egypt. He must certainly have been aware of what had so profoundly disturbed the religious orthodoxy of Egypt in days not far removed from his own, and the reasons for it. If the Exodus took place under Ramesses II, around 1250, and if we are to credit the biblical account that Moses was then already an old man, then his youth practically coincided with the Akhenaten reformation.

Moses was first drawn from Pharaoh's court to his enslaved brothers in the labor camps of Egypt by human compassion and pity. "One day, when Moses had grown up, he went out to his people and looked on their burdens; and he saw an Egyptian beating a Hebrew, one of his people. [The anger of Moses was aroused.] He looked this way and that, and seeing no one he killed the Egyptian and hid him in the sand" (Exod. 2:11-12). When his deed became known, one of his own people having informed against him, he fled to Midian.

There he was a fugitive for many years. He dwelt with Reuel (Jethro), a priest of Midian, tending his flock, and in the course of time married his daughter, and sons were born to them. As to what went on in his soul during those long years in the wilderness, how often his mind turned back to his kinsmen in faraway Egypt, and on what other baffling problems of life this exiled prince whom obscure and unaccountable forces had pulled back to his slave people pondered, the records are silent. To judge by his prolonged colloquies with YHWH, Moses did not come to his hour of decision without much inner conflict, without doubts and great turmoil of the spirit. But the revelation of YHWH finally came to him—tradition places it at Horeb (Sinai)—"in a flame of fire out of the midst of a bush" which burned without being consumed. With it came the call to return to Egypt and to bring forth his enslaved brothers. With this overwhelming revelation, all things finally fell into focus, the direction was clearly given, the power of will and the drive to action were suddenly liberated. Moses felt the compulsion of a divine summons. He returned to Egypt.

Biblical narrators often attempt to describe the mystic, ineffable moment of sudden insight and revelation which comes to the chosen one. They are finally driven to fall back on the symbolism of fire, flame, thunder, lightning, and rolling clouds of glory. Moses was later to receive the Words from YHWH at this same Sinai and again there would be "thunders and lightnings, and a thick cloud upon the mountain, and a very loud trumpet blast" (Exod. 19:16). Many mystics have attested to similar psycho-physical experiences when the culminating moment of great illumination bursts in upon them. There are some biblical narrators, however, who pointedly disclaimed the fire and thunder accompaniments of divine revelation. This is especially true of the revelation which Elijah is recorded to have received at this same Sinai (1 Kings 19):

"And behold, YHVH passed by, and a great and strong wind rent the mountains, and broke in pieces the rocks before YHVH, but YHVH was not in the wind; and after the wind an earthquake, but YHVH was not in the earthquake; and after the earthquake a fire, but YHVH was not in the fire." And after the fire there was "the voice of a gentle silence" and when Elijah heard it, "he wrapped his face in his mantle," (like Moses before him) for he knew that he was in the presence of YHVH.

When Moses led the people out of Egypt where they had lived for many years, and had, to a large degree, become Egyptianized and steeped in its idolatries (Josh. 24:14), he was determined to purge their religion of the detestable things their eyes feasted on (in Egypt) and the idols with which they defiled themselves (Ezek. 20:7-8), of which even many Egyptians themselves had expressed abhorrence. The religion which he was resolved to give them, upon their liberation, would cast off all the age-old shackles of polytheism and idolatry. The God with whom he would covenant them would demand an exclusive worship from them. Faith in Him would have no room for animal cults so characteristic of the religion of Egypt, nor for the making of images, the likeness of "anything that is in heaven above, or that in the earth beneath, or that is in the water under the earth" (Exod. 20:4). The Torah that he would give them<sup>3</sup> would forbid categorically all the gross

<sup>3</sup> The earlier system of Akhenaten was also known as "teaching" (*Sbdjet*). See Albright, *From the Stone Age to Christianity*, p. 206.

evils which he found in the Egyptian religion and the Egyptian way of life—the widespread practices of magic, and the grotesque and extravagant absorption with death. He would rule out the whole spirit world and so exclude all ritual magic and oracles of death which were so dominant a note in the religion of Egypt, the very home of witchcraft and enchantments.<sup>4</sup>

<sup>4</sup> Many centuries later, the rabbis of the Talmud asserted that "ten Kabs (measures) of witchcraft descended to earth, nine were taken by Egypt" (Kid. 49b).

His religious teachings would go far beyond the reformation of Akhenaten which never completely abandoned the symbolized god, and never rejected belief in the divinity of the Pharaohs nor curbed any of their absolute powers. Akhenaten was himself regarded as divine, as were all preceding Pharaohs. A Pharaoh was born of the sun-god Re and at death "flew away to heaven and was united with the sun, and the god's body was merged with his creator."<sup>5</sup>

<sup>5</sup> See "The Story of Sinshe," written during the Middle Kingdom, in the reign of King Senosiris I.

Akhenaten's was not a social revolution in any sense. It was theological and its advanced religious rationalism found expression in the field of formal theology and ritual and also in freer and more naturalistic forms of religious art. Breasted finds it remarkable "that the hymn (of Akhenaten) as an expression of religious aspiration contains so little reference to character and to ethical matters." But it is neither strange nor remarkable. Akhenaten's revolution was not motivated by any desire to elevate the moral tone of the life of his people or to improve the wretched economic conditions of the dreadfully exploited Egyptian masses. Sex standards too remained unchanged. Akhenaten himself married his own daughter. All this may help to explain why Akhenaten's religious revolution was soon buried beneath the desert wastes of Egypt and the silence of the centuries, whereas Moses' religiously motivated social revolution made the Sinai desert fruitful for mankind and his Words echoed down the ages and around the world.

The Torah which Moses gave his people outlawed incest, a common feature of Egyptian society; sacred prostitution such as was prominently attached to the cults of Amon, Min, Ptah and other gods, and mass human sacrifices of foes such as Amon delighted in. It eased the burdens of the laboring man, put an end to lifelong slavery, and made provisions for the care of the stranger. Through their own bitter experiences, the Israelites had come to know the soul of the stranger and the slave. There would be no kings like the Pharaohs, who were gods incarnate, whose rule was absolute, whose actions no one dared to question, and to whom everything and everyone belonged. There would be no priestly hierarchy such imposed itself upon the hard-pressed Egyptian masses, and exacted such tribute from them in the name of the gods. Justice, compassion, sex purity, and human dignity would be the guiding principles of the new society which he intended to found.

Monotheism, as such, Moses did not have to borrow from Akhenaten or from the Midianites or Kenites, the only other people among whom Moses dwelt after he fled from Egypt and with whose way of life and cult he had undoubtedly become acquainted. There is no evidence whatsoever that Moses borrowed the name YHVH or any of his basic religious ideas from Jethro (Reuel), his father-in-law, who was an idolatrous Midianite priest. According to what is reported in the Pentateuch, Jethro, after he had heard "of all that YHVH had done for Moses and for Israel his people, how YHVH had brought Israel out of Egypt," came to meet Moses, who was encamped at the foot of Mt. Sinai, and brought with him the wife of Moses and their two sons. Jethro rejoiced over all the good which YHVH had done to Israel and blessed YHVH and said, "Now I know that YHVH is greater than all gods" (Exod. 18:11). This would suggest that Jethro, far from being the one from whom Moses borrowed the YHVH faith, came to it rather late, after Moses had redeemed the people from Egypt in the name of YHVH. Jethro thus appears to have been the first convert to Moses' Yahvism.<sup>6</sup>

<sup>6</sup> This is how he is viewed in all subsequent Jewish tradition. See Exod. Rabba 27:5; Pesikta, ed. Buber, Lyck, 1868, p. 22a; Mekilta, ed. Lauterbach, Philadelphia, 1949, II, pp. 172 ff.

Jethro then gave Moses advice, out of his own experience, on how to divide the onerous work of judging the people. He suggested that Moses co-opt trustworthy men to act as judges with him (Exod. 18). Thereupon, Jethro returned to his own country.

The Midianites, according to the tradition which is recorded in Genesis, were descended from Abraham through Katurah, his wife (Gen. 25:2). Other tribes and peoples in Palestine and on its borders are likewise traced back genealogically to Abraham, e.g. the Ishmaelites (Arabs) and the Edomites, even the Amalekites, the descendants of Esau's grandson, Amalek. But none of these cognate peoples is credited with having retained the religious tradition of Abraham. The Midianites were the traditional enemies of Israel. Throughout the period of the Judges, they waged bitter war upon the tribes of Israel. Because of this, the people of Israel "made for themselves the dens which are in the mountains, and the caves and the strongholds. . . . And Israel was brought very low because of Midian" (Judg. 6:1-6). Centuries later, the victory of the tribes of Israel over Midian was still remembered (Isa. 9:4).

It was the Midianites who beguiled the Hebrews in the wilderness away from the worship of YHVH to the worship of the Baal of Peor, and to the indecent rites of sacred prostitution which were associated with his cult. "And the Lord said to Moses, 'Harass the Midianites, and smite them; for they have harassed you with their wives, with which they beguiled you in the matter of Pe'or, and in the matter of Cozbi, the daughter of the prince of Midian, their sister, who was slain on the day of the plague on account of Pe'or'" (Num. 25:16-18). The last divine command to Moses was to "champion the people of Israel against the Midianites" (Num. 31:2).

The Kenites, a Midianite clan to whom Jethro belonged, were friendly and helpful to the tribes of Israel on their way to Canaan. They were Bedouins, many of them probably workers in copper and iron. It was the beginning of the Iron Age. For purposes of raids or defense, they joined at times with the Amalekites, at other times with Judah. According to the biblical account, Hobab, the son of Reuel (Jethro) the Midianite, Moses' father-in-law, joined Israel at the invitation of Moses (Num. 10:29). His descendant, Heber the Kenite, separated himself from the rest of the Kenites, who were at peace with the Canaanites, and joined the forces of Israel in the battle of Taanach and Megiddo. It was his wife Jael who slew Sisera (Judg. 4:11).

Prior to his campaign against the Amalekites, Saul sent word to the Kenites: "Go, depart, go down from among the Amalekites, lest I destroy you with them; for you showed kindness to all the people of Israel when they came up out of Egypt" (1 Sam. 15:6). There is nowhere any suggestion that the Kenites had a religion which was so highly developed that Moses could well have borrowed his ideas from them, including the name of YHVH.

The Hebrews, even when they were slaves in the labor camps of Egypt, had not completely forgotten the faith of their ancestors, the Patriarchs. The religion of the Patriarchs was neither animistic or polydaemonistic. It was far in advance of the religions of the ancient world of the second millennium, and even these religions had gone considerably beyond the primitive stages of religious development.

The Hebrews had a religious tradition which centered in the worship of one God long before they migrated to Egypt. They traced it back to their racial progenitors, to Abraham, Isaac, and Jacob. Even before Abraham left his home in Harran in northern Mesopotamia (c. 1800 B.C.) to go to Canaan, his faith and that of his household was basically monotheistic. He worshiped a supreme deity who created heaven and earth (Gen. 15:22). By the name of *El Elyon* or *El Shaddai* (Exod. 6:2), God was worshiped also by Isaac and Jacob and by Jacob's sons who went down to Egypt.

There is no indication in all the early biblical records that in the patriarchal age the Hebrews worshiped any other god, or that their God shared His sovereignty with other gods or goddesses. Their worship, however, did not exclude the possession of certain domestic tutelary objects like the teraphim (Gen. 31:18), household gods, the lares and penates which remained part of the folk-faith of the people and even of the official cult as late as the time of the prophets. The altars and memorial stones which the Patriarchs erected during their migrations through Canaan were dedicated to none of these, but exclusively to the one God of heaven and earth. It is of the God of Abraham, Isaac, and Jacob that Moses spoke to Pharaoh and to the Children of Israel. It is to the Patriarchs that the Jewish people throughout subsequent ages invariably traced the origin of their faith—not to Moses or the later prophets. The Bible speaks of the Torah of Moses but never of the God of Moses, only of the God of Abraham, Isaac, and Jacob.

In the eyes of Moses, God was about to intervene in the history of the Children of Israel in a most eventful and decisive manner. He was therefore to be known henceforth by a new name—YHVH. It was a common practice among ancient peoples to change the name of their deity or to add an additional one to indicate that the deity had assumed a new or an additional role.

To Moses, YHVH is not only the *El Elyon*, the God Most High, Maker of Heaven and earth, the *El Shaddai*, the Almighty One, the protecting and promising God, as the Patriarchs had known Him; He was now also YHVH, "He who causes to be," not in the sense of "Creator"—this was already revealed in the name *El Elyon*—but in the sense of "He who accomplishes and fulfills." YHVH is the "Accomplisher," He who performs what He promises. This, we believe, is the meaning of the term "Ehyeh"<sup>1</sup> (Exod. 3:14)

<sup>1</sup> EHYEH

which was revealed to Moses as the new name by which he should describe God to the people. *Ehyeh asher Ehyeh*, "I bring to pass whatsoever I promise," or "I will be what I said I will be." YHVH is He who fulfills and accomplishes."



"(Compare Exod. 33:19: *וַיֹּאמֶר יְהוָה אֶל מֹשֶׁה וְאֶל אֶלְעָזָר בְּנֵי אֹהֶן אֲנִי מֵשַׁלְּחִיךָ וְאֶת אֶלְעָזָר אֲנִי מֵשַׁלְּחִי אִתְּךָ* "I will proclaim before you My name YHVH; for I am gracious to whosoever I promise to be gracious, and I show mercy to whosoever I promise to show mercy." Moses had pleaded with God to accompany the people on their way, and not to reject them because of their having sinned by worshipping the Golden Bull-calf. YHVH promised him: "This very thing that you have spoken I will do." Moses then asks for a sign—a reassurance which should be found in a revelation of the very nature of God—that the promise would be fulfilled. God then said: I will pass before you ("I will make all My goodness"—*כָּל טוֹבוֹת*—all My attributes—to "pass before you") and "I will proclaim before you My name YHVH (which will testify to you that I fulfill all My promises). When the actual theophany took place, the Lord passed before Moses and proclaimed: "YHVH, YHVH, is a merciful and gracious God, slow to anger and abundant in steadfast love and faithfulness, keeping (rather—guarding with fidelity) steadfast love unto the thousandth generation, forgiving iniquity, transgression and sin." YHVH keeps His promises and carries out His purposes regardless of how long it takes. On Exod. 6:3: "I appeared to Abraham, to Isaac and to Jacob as El Shaddai but by the name YHVH I did not make myself known to them," the Mekilta of R. Simon ben Jochai declares that the name YHVH implies "I can be trusted to make good." ( 2787 78 7282 ) and Rashi gives it the same meaning: "I can be trusted to make My word come true" ( 727 7287 7282 ).

With the Exodus, YHVH had fulfilled His promise which He had made to the forefathers of the Hebrews. He had redeemed the people from Egypt. They now knew that He is truly a God to be trusted and therefore also to be obeyed. Having vindicated His love for them, His prowess and His faithfulness, He is now prepared to make a covenant with them even as He had made one with their ancestors. But if He is to be their covenanted guardian and protector in the future, they must first commit themselves to a way of life acceptable to Him. They must accept a new discipline. They must pledge themselves to resist the ways of the heathen, their idolatries, and their immoralities. "Write these Words; for only on the basis of these words have I made a covenant with you and with Israel" (Exod. 34:27).

It has been correctly pointed out that the covenant idea was not a late development in the religion of Israel. The covenant form which regulated duties and obligations between a sovereign king and his vassals was not unknown in the ancient world in the second millennium B.C.E. In fact Ramesses II, himself during whose reign the Exodus probably took place, entered such a covenant or "suzerainty treaty" with the Hittites.\* Moses employed the cove-

\* See George E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East*, 1955, pp. 24 ff.

nant form and translated it from the realm of the political to the spiritual. He was resolved to bring his people into "the bond of a covenant" (Ezek. 20:37) so that for all future time they would live within the freedom and the constraints of the Torah of YHVH and remain committed to Him and His law.

The Covenant was in the nature of a formal agreement between YHVH and Israel. By it both sides were committed to mutual promises and undertakings. In a sense, all religious ceremonials and sacrifices in the ancient world were intended to establish a relationship with the deity and implied a compact. However, the

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he destroyed everything else (1 Sam. 15). The Ish Ha-Elohim who was sent to Bethel with a *dabar* of YHVH, and had been commanded: "You shall neither eat bread, nor drink water, nor return by the way that you came," was killed by a lion, because he had permitted himself to be persuaded by an old prophet to return to

Moses was the founder of the first ethical and spiritual monotheistic religion of mankind. It has come to be known as Yahvism. It was actually not an entirely new religion as far as Israel was concerned, but an old religion to which he gave depth and range and new horizons. With him the religion of the early Hebrews was transferred into a unique and distinctive faith that differed in some ways from the religion of the Patriarchs and in many ways was radically different from the religions of all other peoples. The Israelites were the only people in antiquity who had ever been enslaved in a foreign land and had experienced the joy and quickening of a sudden liberation and who were now on their way back to their ancestral home. The exploited Egyptian masses, in spite of their wretchedness and serfdom, never in their long history revolted against the existing order. The Israelites had broken with their past. Moses was resolved to capitalize upon their unique and exhilarating experience and to mold them into a new and different kind of society. These men could really start fresh; they were truly new-born. Fleeing from Egypt, they were not encumbered by temple, priesthood, or royalty. They were no longer chained to ancient laws and to immemorial customs. They were, in fact, a classless society that was free to organize its life on new patterns.

It might be noted in passing that the monotheism of Moses had no political origin. Unlike Akhenaten, Moses was not the ruler of a world empire but the leader of a homeless, wandering horde of emancipated slaves. His religious universalism did not derive from nor correspond to any expanded imperial power.

How Moses came to entertain his revolutionary ideas is no greater mystery than the revolutionary insights that come to all men of genius. The appearance of any great personality in history is unpredictable and his endowments are inexplicable. He leaps into his age unexpectedly like lightning out of darkness and his generation may grant him or deny him scope and opportunity. To be sure, he does not operate in a vacuum, but whatever truth he reveals wells up in his own soul with the force of an immediate and overpowering apprehension. Whatever he conceives of intellectually or experiences spiritually is a new act of creation and is his very own. It is not the product of evolution nor is it derived from his cultural environment, and it possesses timeless relevance.

Moses is called "prophet" (*Nabi*) very infrequently in the Bible and only then to distinguish him and set him apart from all other prophets. Nor is he called *Ro'eh*, the older name for a *Nabi* (1 Sam. 9:9). He is called more often *Ish Ha-Elohim*, "the Man of God" (Deut. 33:1; Josh. 14:6; Ps. 90:1), a term in early use in Israel to describe the special emissary through whom YHVH made His will known to men. Samuel is spoken of as the Man of God (1 Sam. 9:6-10). Elijah is almost always spoken of as the Man of God and so is Elisha (e.g. 1 Kings 17:18; 2 Kings 1:4-13). Shemaiah, too, who had cautioned Rehoboam not to wage war against Israel which had but recently broken away from Judah (1 Kings 12:22) and had warned the people when Shishak of Egypt invaded Judah (2 Chron. 12:5-7) is called the Man of God. A certain Hatan, the son of Igdaliah, whose descendants had a *lishkah*—a specially reserved chamber—in the Temple of Jerusalem, is called *Ish Ha-Elohim*. Otherwise nothing is known about him. Several anonymous Men of God are mentioned in the historical books of the Bible. One announced to the priest Eli at Shiloh the fall of his house and the death of his two sons (1 Sam. 2:27-36), another appeared at Bethel shortly after the division of the Kingdom, and denounced Jeroboam, the first king of Israel, for setting up an altar there (1 Kings 13). Still a third *Ish Ha-Elohim* told King Amaziah of Judah who had hired one hundred thousand Israelite mercenaries to help him fight the Edomites: "O king, do not let the army of Israel go with you, for YHVH is not with Israel, with all these Ephraimites" (2 Chron. 25:7).

In later times the term "*Ish Ha-Elohim*" was no longer used. The literary prophets never employed it. Instead they used the term *Nabi*, "prophet," but originally the two terms were not synonymous. Thus 1 Kings 13:11 tells that "there dwelt an old prophet [*Nabi*] in Bethel. And his son came and told him all that the *Man of God* had done that day in Bethel; the words [*debarim*] also which he had spoken to the king." In the course of time the term *Nabi* came to replace not only *Ish Ha-Elohim* but also *Ha-Ro'eh*, the Seer. The transition is pointed out in 1 Sam. 9:9: "Formerly in Israel, when a man went to inquire of God, he said: 'Come, let us go to the seer; for he who is now called a prophet [*Nabi*] was formerly called a seer [*Ro'eh*]." In Nehemiah (12:24) and in Chronicles, the post-exilic chronicler (2 Chron. 8:14), in his enthusiasm for the Davidic dynasty, actually speaks of King David as *Ish Ha-Elohim*.

These Men of God, however, differed in some important respects from the early and the later prophets. They apparently possessed some especial daemon which set them apart. They stood closer to the deity. They did not belong to any guild, as did many of the prophets. They are never spoken of in the plural and they were never attached to any sanctuary. They possessed the gift of prophecy. They could foretell the future, and some were consulted on all matters great or small. But they were in a class by themselves. Although they were dedicated to the service of YHVH, they were not general preachers of righteousness and interpreters of His moral law. They appear at critical moments in the life of the nation and at the behest of a special mandate or commission from YHVH, and they give divine warning or direction to the king or the leaders of the people. They are emissaries delegated by YHVH to deliver a message on a special occasion directed to a special situation. They never addressed themselves to other nations as did the great literary prophets. Jeremiah was designated as "a prophet to the nations . . . 'See, I have set you this day over nations and over kingdoms, to pluck up and to break down, . . ." (Jer. 1:5-10). The message of these Men of God is exclusively to the rulers or leaders of the people of Israel.

To the *Ish Ha-Elohim*, YHVH gives instructions that are clear and precise and they must be carried out exactly as given. Also, those who receive a divine command which is transmitted to them by an *Ish Ha-Elohim* must likewise carry it out exactly as conveyed to them. The slightest infraction brings with it the most disastrous consequences. Moses was denied the privilege of entering the Promised Land because he struck the rock to bring forth water instead of speaking to it, as he was told to do (Num. 20:7-13). King Saul was rejected by YHVH, and his kingdom was torn away, because having received the *dabar*, the command of YHVH, through Samuel the *Ish Ha-Elohim*, to smite Amalek and utterly destroy all that they have, he spared the best of the sheep and oxen so as to sacrifice them to YHVH, and took the king of the Amalekites alive, although

12—SILVER—Moses and the Original Torah—11x12x25 Bask. he destroyed everything else (1 Sam. 15). The Ish Ha-Elohim who was sent to Bethel with a *dabar* of YHVH, and had been commanded: "You shall neither eat bread, nor drink water, nor return by the way that you came," was killed by a lion, because he had permitted himself to be persuaded by an old prophet to return to Bethel and to eat bread and drink water in the latter's home (1 Kings 13:7-32).

A special aura seems to surround the Ish Ha-Elohim. The angel who appeared to the wife of Manoah, the future mother of Samson, to announce to her the birth of her child "who would begin to save Israel out of the hands of the Philistines," seemed to her to be an Ish Ha-Elohim, and his countenance was very frightening (Judg. 13:6). The skin of the face of Moses sent forth beams, and men were afraid to come near him—so that he had to put a veil on his face (Exod. 34:29-35). A divine effulgence seemed to radiate from these Men of God when engrossed in the passion and exaltation of their divine mission.

There were many prophets in ancient Israel. Every one in whom there was the spirit of YHVH could prophesy. The seventy elders whom Moses selected to bear the burden of the people with him, each received a part of the spirit that was his, and "when the spirit rested upon them, they prophesied" (Num. 11:16-25). Moses expressed the wish: "Would that all YHVH's people were prophets and that YHVH would put his spirit upon them" (v. 29).

But few were the Men of God, and of these Moses was acknowledged by the people to have been beyond all comparison, *the* Ish Ha-Elohim. He was chosen and delegated in the most critical and decisive moment in the history of the people for a preeminent mission of national destiny. There was "none like him for all the signs and the wonders which YHVH sent him to do in the land of Egypt, . . . and for all the mighty power which he displayed and all the great awe which he inspired in the sight of all Israel" (Deut. 34:11-12). As a prophet he was not only *sui generis*, unlike all the prophets who ever arose in Israel (Num. 11), but also as an Ish Ha-Elohim, whom YHVH knew face to face (Deut. 34:10), and spoke to him "mouth to mouth, clearly, and not in dark speech."<sup>15</sup>

<sup>15</sup> Num. 12:6-8.

He was at home and fully established in YHVH's house. He could actually behold the "form" of YHVH.<sup>16</sup>

<sup>16</sup> Cf. Ps. 17:15: "As for me, I shall behold Thy face in righteousness; when I awake, I shall be satisfied with beholding Thy form."

Moses was given the commission not only to *announce* the will of YHVH (Exod. 3:16-17) but to *execute* it as well, to lead the people out of Egypt to the Promised Land. "Come, I will send you to Pharaoh and bring forth My people, the children of Israel, out of Egypt" (Exod. 3:10). As such, Moses was also called *'Ebed YHVH*, the Servant of YHVH,<sup>17</sup> the man chosen by YHVH as

<sup>17</sup> Num. 12:1; Deut. 34:5; repeatedly in the Book of Joshua; 2 Kings 10:12; Ps. 105:6 *et al*.

His instrument to acknowledge His purposes. Throughout the literature of the Bible, only King David, the founder of the Judean state and dynasty, the beloved political hero of the people, is spoken of as the Servant of YHVH as consistently as is Moses.

By temperament and character Moses was preeminently qualified for the historic role to which he was summoned. The biblical sources speak of him as a leader of rare courage and resolution. Some men aspire to leadership. Moses instinctively shrank from it.—"Oh, my Lord, send, I pray, some other person"—but once it was thrust upon him he bent to its yoke and never retreated. For strength, he matched the mountain crags which he scaled when fearlessly he approached the darkness where God dwelt. Moses was neither dreamer, mystic, nor recluse and those who consistently followed his footsteps through the ages never strayed far into the wilderness of what is extreme and immoderate. He endured ingratitude, rebellion, vilification, feuds, and rivalries unflinchingly at the behest of his mission. He felt the gibes and stings to which all leaders of men come to be subjected: "Who made you a ruler and judge over us?" Upon his tired heart they unloaded all the bitterness and resentment of slaves not yet ready to be free, of men who had surrendered their captive security for the promise of a freedom that had beguiled them into a terrible wilderness. How often they confronted him in murderous fury with stones in their hands. Yet, compact of firmness and compassion, his heart was always full of concern for the people that so often failed him. It was the people who were at all times uppermost in his mind. "Forgive the people's sins, O, YHVH. If not—blot me out of Thy Book!" (Exod. 32:32). Moses was a faithful shepherd of his people—and the humblest of men.

Throneless monarch of a spiritual kingdom, his hand never held scepter or crown, yet peoples of distant ages and remote regions came to accept his law. Many a river whose streams make glad the cities of God finds its source in him. "No man knows his sepulchre unto this day," but though entombed in an unknown grave, his spirit has remained enshrined in the onmoving ark of faith which all the covenanted children of man hopefully follow to a beckoning day and to a land of promise.

#### 4

### The Prophets Who Championed It

There are those who trace the beginnings of spiritual Judaism to the literary prophets of the eighth through the sixth century B.C.E. Prior to that time, they maintain, the religion of Israel was little different from the religions of all its heathen neighbors. The Canaanites had their Baal, the Moabites their Chemosh, the Israelites had their YHVH. It was the literary prophets who introduced new concepts of religion and ethics, radical new departures in ways of thinking about God and of worshiping Him. There are even those who maintain that Judaism actually began with the reformation of Josiah in 621 B.C.E.

Nothing can be further from the truth. It was not the prophets of Israel from Amos down, nor the earlier nonliterary prophets Samuel, Nathan, Gad, and Elijah who created the religion of Israel. They would have been the last to make such a claim. They never conceived of themselves as innovators or originators of the ideas that they proclaimed. They regarded themselves as having been sent to remind the people of what they had forgotten, to recall them to a faith and a way of life which their ancestors had chosen to adopt but which their descendants had chosen to ignore.

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They came to alert the people to the moral corruption of their age and to warn them of the retribution which was sure to follow. The prophet was, in very truth, *Mockiah Basha'ar*, he "who reproves in the gate" (Isa. 29:21). He summoned the nation to repentance for sins committed against moral laws which were very well known to them. Jeremiah clearly defined the mission of the prophet. When God brought the people of Israel out of Egypt, He gave them this command: "Obey my voice, and I will be your God" (Jer. 7:23). But they did not obey. Whereupon God sent them time and again His servants, the prophets. Yet they did not listen to them and did not obey the voice of God. They did not accept *mu'ar*, correction (Jer. 6:21-28). The people consistently refused to accept correction (Jer. 5:3). And the function of the prophet was to bring *mu'ar*, a call to repentance: "Nevertheless they were disobedient and rebelled against thee and cast thy law behind their back and killed thy prophets, who had warned them in order to turn them back to Thee . . ." (Neh. 9:26). The prophets spoke with the authority of divine inspiration, but always as the restorers of the true and ancient faith to a generation that had ignored or forgotten it (Ezek. 2:3-5).

Both Jeremiah and Isaiah received the specific charge to bring correction to the people when they were consecrated as prophets (Isa. 6 and Jer. 1). "Hear, and testify against the house of Jacob" is the commission that was given to Amos (Amos 3:13); and to Hosea: "Set the trumpet to your lips, . . . because they have broken my covenant" (Hos. 8:1). Micah defines his calling: "Ere as for me, I am filled with power, with the Spirit of YHVH, and with justice and might, to declare to Jacob his transgression and to Israel his sin" (Mic. 3:8).

What were the sins and transgressions which the prophets condemned? As we have previously pointed out, there is none that is not already itemized in the great Words of the original Torah of Moses. From Samuel down, the prophets held up to execration the worship of other gods, the making of images and the indecent practices that were associated with their fertility cults: sacred prostitution, the burnt-offering of children, and all forms of witchcraft and sorcery. They denounced the perversion of justice, the taking of bribes, the shedding of innocent blood, the oppression of the poor, the orphan and the widow, the overreaching and covetousness of the rich. It is these immoral practices and idolatries which the prophets condemned by various bitter terms, especially by the term *to'ebah*, "abominable," "despicable," which was the utmost in condemnation. An itemized list of them is given in the indictment of King Manasseh, who was regarded as the most wicked of all the evil kings of Judah: (1) He rebuilt the high places and erected altars for Baal and made an asherah. He worshiped all the hosts of heaven and built altars to them, even in the House of YHVH, and he placed a graven image of the asherah there. (2) He burnt his son as an offering. (3) He practiced soothsaying and augury and dealt with mediums and wizards. (4) He shed much innocent blood. These were the abominations, the evil he did which provoked YHVH to anger (2 Kings 21).

These were no new ethical demands which the prophets made upon the people, and no others are to be found in their prophecies. They were pleading with their people to return to "the ancient paths, where the good way is, and walk in it, and find rest for your soul" (Jer. 6:16).

The prophets reminded the people that the Torah which their ancestors had received in the wilderness said nothing about sacrifices or sanctuaries. They were not important for the true worship of YHVH. They did not contain YHVH and they are not the exclusive places of His revelation. "Seek me [YHVH] and live; but do not seek Bethel, and do not enter into Gilgal or cross over to Beersheba" (Amos 5:4-6). "Amend your ways and your doings, . . . Do not trust in these deceptive words: 'This is the temple of YHVH, the temple of YHVH, the temple of YHVH'" (Jer. 7:3-4).

The prophets spoke in the name of a religion long established, whose authority had been largely flouted by the people to their own hurt. For all their superb emphasis, elaboration, and application, their prophecies did not represent any new theological or ethical development in the religion of Israel. Had not Israel sinned, declared one of the rabbis of later time, only the Pentateuch and the Book of Joshua would have been given to them. The prophetic books would have been unnecessary because God sent the prophets only in his anger, because the people of Israel were not obeying the laws of the Torah (Ned. 22b). Other rabbis maintained that all subsequent prophecies were already contained in those of Moses (Exod. Rabba 42:7).



What was new in their preaching was the extraordinary earnestness and passionate intensity with which they uttered their message. Theirs was a spiritual and ethical fervor utterly unknown in the ancient world. They restated the centuries-old principles of their faith, and the commitments of their people under the Covenant with YHVH with a vividness, a glow, and a forthrightness that made them sound at the same time new and disturbingly reminiscent to a generation which had grown hard of heart, "whose ears were heavy and whose eyes were shut." While in their restatements they did not add anything new to the original Torah, they elaborated upon it, plumbed its depths, and applied it to their times with force, uncompromising frankness, and impartiality. There is genuine originality to such rare and consecrated discipleship.

What was substantially new in their preaching concerned the future—*Aharit Ha-Yamin*—the end of days. Beyond the present they projected a vision of a distant time when all the nations of the earth would acknowledge YHVH as their God and would live by His law. They saw men and nations reconciled at last in a universal brotherhood of peace. They entertained the hope that Israel, first-born to the idea of the one universal spiritual God, might serve as "a light to the nations" guiding them to the happy consummation of a free, just, and united world community (Isa. 2:2-4). This is especially true of the prophets of the sixth century who preached comfort and hope and pointed to new horizons to their broken, defeated, and dispersed people. They introduced the Messianic motif which was to gain such emphasis in subsequent centuries.

In the original Torah of Moses, there is no reference to disarmament or universal peace. One finds in the Words deep concern for the protection of the stranger—"You shall love the stranger." But it remained for the literary prophets of the eighth century onward to draw the ultimate implications of the idea of human brotherhood in terms of universal disarmament and of a peaceful society of nations founded upon law. It required centuries of living as a nation among nations for the ethical idea of a warless, international community to ripen among the spiritual leaders of Israel. The generation of Moses was as yet far removed from that experience and from that vision. The high plateau from which this wider panorama of mankind could be seen had not yet been reached.



14—SILVER—Moses and the Original Torah—11x12x25 Bask.

Many of the ideas contained even in the original Torah of Moses were not new, in the sense that they were not utterly unknown to the ancient world. The rabbis were fully aware that the Ten Commandments, for example, were kept by the Patriarchs and others long before they were revealed at Mt. Sinai.<sup>1</sup> Many of the Mosaic

<sup>1</sup> See *Sefer ha-Midrash*, ed. Jellinek, 1877, VI, pp. 40-41.

teachings, phrased differently, have reached us from other ancient sources, some of them considerably antedating the age of Moses. It is difficult to trace either the time of origin or the provenance of the seminal ethical ideas of mankind. The roots of moral beginnings, as of cultural beginnings generally, are forever hidden. The so-called Negative Confessions, the mortuary text that is contained in the Egyptian Book of the Dead, and the ethical counsel or instruction which we find in several Egyptian compilations dating back, in some instances, to the third millennium B.C.E., show a remarkable resemblance to some of the ethical precepts of the Torah of Moses. Mesopotamian parallels can also be found, as in the Assyrian Shurpu tablets. Gnomic literature, proverbs, and wise sayings of a high order were a popular literary form among the peoples of the Near East, and very ancient and widespread. In this connection it might be well to recall that the founders of the great religions of mankind never claimed to have founded an altogether new religion but only to confirm an old one from which men had strayed, or to lay special emphasis upon one or another of its doctrines. Jesus and Mohammed authenticated their teachings with constant references to older scriptures and to prophets who preceded them.

The uniqueness of the Mosaic Torah resides in the fact that these and other ethical ideas were now made peremptory divine mandates, the essentials of faith, and the only true way of worshipping YHWH. Moses set ethical values fast in the religious life of man. They became an integral part of religion, postulates of theology, and thereafter and for all time remained an inseparable part of true religion. A new synthesis and orientation were thus achieved for the spiritual life of mankind, a major shift of emphasis, a bold new design. Ethical concepts undoubtedly existed in the ancient world but they were not at the core of its many religions which were, in one

which the ancient world did not find at all objectionable, and which did not appear to them to be in conflict with the high ethical concepts they professed. These practices included sacred prostitution, the burning of children in the service of idols, witchcraft and sorcery, and the obsession with death and the underworld. Lofty ethical concepts existed among the peoples of antiquity side by side and in amicable arrangement and alliance with gross and obscene cult practices. The Torah of Moses set out to banish from the religious life of men all these forms of grossness and superstition, all that was sordid and depraved. Religion was given a purged and exclusive ethical content and therefore also a new function in society and in the life of the individual.

Finally, the singularity of the Torah of Moses consisted in the fact that it was entrusted, in solemn covenant, to an entire people, which undertook for all future time to be its guardian.

## 5

## The Bne Israel Whom Moses Led

It is difficult to determine when the Hebrew tribes or how many of them came to Egypt. Some maintain that they came in the reign of Akhenaten in the early fourteenth century.<sup>1</sup> That would make

<sup>1</sup> H. H. Rowley, *From Joseph to Joshua*, 1930, *passim*.

their sojourn in Egypt considerably less than the 430 years mentioned in Exod. 12:40 if, as scholars now generally assume, they left Egypt in the reign of Ramesses II (1301-1234). Others have suggested that they descended into Egypt some time during the reign of the Hyksos ("rulers of foreign countries"), the Semitic invaders from the desert who conquered Egypt about 1750 and were expelled by Amosis I about 1560. Under the Hyksos, who built up a large empire that embraced Palestine and established their capital, Avaris, in the Delta of the Nile, the Hebrews, who may have had close affinities with them, and who may have come to Egypt in several stages, were well treated. They settled in the Delta, the land of Goshen. They "increased greatly; they multiplied and grew exceedingly strong; so that the land was filled with them." But with the expulsion of the Hyksos and the rise of "a new king" (Exod. 1:7-8) the position of the Hebrews, a non-Egyptian people, became increasingly difficult. They were soon reduced to the status of serfs. The vast building projects of the Pharaohs of that period required large-scale captive labor and the Hebrews were forced into these labor battalions. Under Ramesses II, the great builder, who moved his capital from Thebes to Tanis in the Delta, or near the former Hyksos capital of Avaris, and began to build and beautify his city, requiring large construction gangs, the Hebrews were set to build the store-cities of Pithom (site in the Wadi Tumilat, known as Tell er-Retabeh) and Ramesses (Tanis), and their oppression increased. It was then that Moses appeared and led them out of bondage and out of Egypt (c. 1290). This would fit in fairly well with the biblical figure of a 430 years' sojourn in Egypt.

It is not likely that the account of the Exodus and the Conquest which is given in the Pentateuch and the Book of Joshua corresponds in all details with the actual events as they transpired: twelve tribes, numbering some 600,000 men besides women and children and a mixed multitude—fleeing from Egypt under the leadership of Moses and by him led for forty years in the wilderness

15—SILVER—Moses and the Original Torah—11x12x25 Bask.  
until he brought them, after many incidents and adventures, to the gates of Palestine where Joshua took over. Joshua, after the death of Moses, proceeded to conquer as much of the land as he could and by lot to allocate it among the twelve tribes, some of whom had previously been allotted their territory east of the Jordan by Moses.

The number of the tribes actually varies in the biblical sources. The names of other than the traditional twelve (e.g. in Exod. 1) are mentioned in the Bible: Ephraim, Manasseh, Machir, Gilead, Caleb, Jerahmeel, Kenites. The Song of Deborah mentions only ten tribes, and among them are included Machir and Gilead. These may have merged later with the tribes of Manasseh and Gad. It is not likely that those who descended into Egypt retained their tribal identities through all the years they sojourned there.<sup>2</sup>

<sup>2</sup> Even the rabbis of the Talmud appear to entertain doubt about it. "R. Judah declared that the reason why Scripture enumerates Reuben, Simeon and Levi only [Exod. 6:14] is because none of the other tribes preserved their genealogical purity in Egypt while Reuben, Simeon and Levi did" (Num. Rabbah 13:8).

The number of those who left Egypt is, on the face of it, enormously exaggerated. It would total up to some two or three million people. Professor Albright suggests that the two census lists which are found in the Book of Numbers (chapters 1 and 26) probably represent a misplaced census list from the time of King David (2 Sam. 24) rather than the time of Moses. Sir Flinders Petrie would meet the situation by taking the Hebrew word *Eleph*, usually translated as a numeral meaning a "thousand," to mean a "tent" or "family" (cf. Judg. 6:15; 1 Sam. 10:19). This would reduce the number of those involved in the Exodus to some five to six thousand people.<sup>3</sup> It is sound judgment to shrink all dilated figures that are

<sup>3</sup> See G. Ernest Wright, *Biblical Archaeology*, 1957, pp. 66-67.  
given in ancient texts to reasonable proportions and not to take their schematic chronologies too literally. The improbable figures, however, should not lead us to a general skepticism regarding the recorded events or to write them off as fiction.

From a closer study of the biblical accounts, especially those in the books of Joshua and Judges, the entrance of the Hebrew tribes into Canaan appears to have been the work neither of one age nor of one united people. The tribes who sought new homes for themselves either migrated into Canaan peacefully, as is suggested by the migrations of the Patriarchs, or stormed into Palestine, separately or in groups, as in the days of Joshua, conquering and holding on, often precariously, to various sectors.

There probably took place two major invasions of groups of tribes, the first in the early second millennium. This first invasion was in reality not an invasion at all, but, in the main, a peaceful penetration. The Hebrew clans or tribes did not attack or conquer the native inhabitants. They moved and dwelt peacefully among them. They did not come as conquerors, merchants, or raiders but as seminomadic clans, at first moving through the land where they later on settled permanently because it was good land for pasture and was still largely open unsettled country. These early ancestors of the Hebrews belonged to the same wave of Semitic migration out of the Northwest as did the other Amorite peoples who came to Palestine. Ezekiel retains their racial tradition of origin: "... your father was an Amorite, and your mother a Hittite" (Ezek. 16:3).

Abraham, after he came to Canaan, entered into a treaty of friendship and amity with Abimelech of Gerar, which was renewed by his son Isaac. He acquired by purchase from the Hittites the plot of ground that he sought for a burial ground. Jacob purchased from Hamor, the father of Shechem, for a hundred pieces of money (quesitas) land on which he had pitched his tent when he arrived at Shechem on his way back from Paddan-Aram (Harran) to Canaan (Gen. 33:18-19).

The second invasion took place in the thirteenth century under Joshua, following the Exodus. It was one of siege, onslaught, and conquest. It is probably to similar and earlier invasions of the 'Habiru into Canaan (not all of them Israelites) that the Tell el-Amarna letters of the fourteenth century, the diplomatic correspondence between the court of Egypt and its officials in Canaan, refer. It is not likely, as some have suggested,<sup>4</sup> that this second

<sup>4</sup> See Martin Noth, *The History of Israel*, 1958, pp. 68 f.  
invasion, too, "took place fairly quietly and peacefully on the whole," the newcomers settling in the unoccupied or sparsely inhabited parts of the country. Our only available records in Joshua and Judges tell of many battles and the destruction of many cities. In the memory of Israel, that period was always associated with struggle and conquest. The existing inhabitants were "driven out"; they "were destroyed."<sup>5</sup> "Joshua made war a long time with all those

<sup>5</sup> See especially Joshua 10.  
kings. There was not a city that made peace with the people of Israel, except the Hivites, the inhabitants of Gibeon; they took all in battle" (Josh. 11:18-19).

Both traditions are retained in the biblical records, that of the earlier peaceful penetration into Canaan and the later conquest by invasion and war. In the fourteenth and thirteenth centuries, the hold of Egypt on Palestine which had been very firm under the rule of the Tuthmosids and the Amenhoteps (c. 1500-1375 B.C.E.) was greatly weakened during the lax and politically inept reigns of Akhenaten and his successors. It was not fully restored even under Ramesses II, who concluded a treaty of peace with the Hittites after numerous indecisive battles, whereby Palestine and southern Syria remained within the Egyptian Empire. It was a restless Palestine over which he ruled, and the numerous city-states, singly or in confederation, frequently rebelled. These conditions favored the campaigns under Joshua and his successors, and they were the major efforts of the tribes which had fled from Egypt. They invaded the central hill country of western Palestine after the capture of Jericho and Ai. There they met and joined with fellow Hebrews who had lived there right along and had not migrated to Egypt. For the number of those who actually did go down to Egypt, as given in Exodus 1:4, was very small indeed—seventy souls—and though the number was probably considerably larger, many more undoubtedly had remained in Canaan.

At times, under the threat of a common foe, some of the tribes would form a military coalition under the charismatic leadership of a chieftain-judge (*Shofet*), who was regarded as having been summoned by the spirit of God to meet the emergency. In the critical battle of Migidde (c. 1150) in which the tribes of Naphtali and Zebulun were principally involved (Judg. 4), their appeal to the other Hebrew tribes for help was answered by some—Ephraim, Machir (Manasseh, west of the Jordan), Benjamin, and Issachar—but the tribes east of the Jordan, Reuben and Gilead (Gad), Dan in the extreme north, and Asher on the coast, refused to come. When once the danger was over even the partial coalitions would fall apart. At other times the tribes would fight one another, as in the case of the bloody feud between the men of Gilead under Jephthah and the men of Ephraim (Judg. 12:1-7), and the struggle for power and the civil war that followed the death of Gideon (Judg. 20-21). Fierce jealousy flared up between the tribes of Manasseh and Ephraim because the latter had not been invited into the military confederacy which Gideon of the tribe of Manasseh had organized to fight the Midianites.

In this war, the men of Succoth and Peniel of the tribe of Gad refused to help the fighting men of Gideon who were pursuing the enemy and who, faint with hunger, asked for food. Gideon, upon his victorious return, chastised them. He slew the men of Peniel after breaking down the tower of their city, and he flailed the officers and elders of Succoth with thorns of the wilderness and with briers (Judg. 8). The tribe of Benjamin was almost completely destroyed by a confederacy of Hebrew tribes (Judg. 20—21). In those turbulent battle days before the monarchy was established, "every man did what was right in his own eyes" (Judg. 21:25).

In the eleventh century, under the serious threat of the Philistines, who were possessed of the new and frightening iron arms and chariots, the tribes finally united to form a monarchy and appointed a king over them—Saul. But the union was a very tenuous one. Saul belonged to the tribe of Benjamin, one of the Bne Israel tribes. Immediately after the people shouted "long live the king," some "worthless fellow," evidently of the South, said: "'How can this man save us?' And they despised him . . ." (1 Sam. 10:24—7). The sharp division continued between the men of Israel [Bne Israel] and the men of Judah [Ish Yehudah] (1 Sam. 11:8). When Saul waged war against the Philistines, there were Hebrews (possibly these very disaffected Judeans), "who had been with the Philistines before that time and who had gone up with them into the camp . . ." who were mustered to fight against the Israelites. It was only in the midst of the battle that they defected to the side of the Israelites (1 Sam. 14:21). David and his men marched with Achish, king of Gath, and with the Philistines against Saul who was encamped in Jezreel. It is only because the Philistine commanders were suspicious of David's fidelity that Achish, at their prompting, urged him to go back, and David did not take part in the ensuing battle against Saul (1 Sam. 29:3—11).

The kingdom which had been proclaimed at Mizpah (1 Sam. 10:8) had to be renewed in Gilgal—near Jericho (1 Sam. 11:14—15) to please the tribes of the South (Josh. 15:7). In the war against Ammon where all the tribes were mustered, a separate census was kept, one of the men of Israel and another of the men of Judah (1 Sam. 11:8).

After the death of Saul, the men of Judah crowned David of the tribe of Judah king in Hebron (2 Sam. 2:4). The Bne Israel crowned Ishbosheth, the son of Saul, in Mahanaim and made him king "over Gilead and the Ashurites and Jezreel and Ephraim and Benjamin and all Israel" (2 Sam. 2:8). For two years Ishbosheth ruled over Israel, and David ruled in Hebron over Judah seven and a half years. A long and bitter war set in between the two peoples (2 Sam. 3:1). Israel grew weaker and Judah stronger. Finally Abner, the commander of Ishbosheth's army, realizing the hopelessness of the struggle, counseled the elders and the people of Israel to make a covenant with David and accept him as king. They agreed. David was crowned king in Hebron over Israel as well, and he reigned in the new capital which he established in Jerusalem over a united nation thirty-three years (2 Sam. 16:5—13). Many Bne Israel disapproved and many from Judah also. The men from Judah preferred domination rather than merger. When, later on, the rebellion of Absalom against David was crushed, there were many in Judah who were reluctant to have the king brought back, even though the Bne Israel were now willing (2 Sam. 19:11—15). Bitter feuding and rivalry continued among them.

To strengthen his kingdom and to make his capital the religious, as well as the political center of a united Israel, David had the Ark of the Lord transferred to the city of David where it was placed under a tent.

David's kingdom was threatened by the rebellion of his son Absalom. It would appear that the Bne Israel rallied around Absalom. The war, according to 2 Sam. 18, was between Israel and the followers of David. The old division still persisted (2 Sam. 19:41—43). It came to the surface again when Sheba, the son of Bichri, from the tribe of Benjamin, raised the standard of rebellion and proclaimed: "We have no portion in David, and no inheritance in the son of Jesse; every man to his tents, O Israel!" According to the biblical account: "So all the men of Israel withdrew from David, and followed Sheba the son of Bichri; but the men of Judah followed their king steadfastly from the Jordan to Jerusalem" (2 Sam. 20:1—2). This rebellion, however, did not last long.

King Solomon, who succeeded to the throne of David his father, managed to hold his kingdom together. "So the kingdom was established in the hand of Solomon" (1 Kings 2:45), although even during his reign, Jeroboam, the son of Nebat of the tribe of Ephraim, "lifted up his hand against the king." Jeroboam was aided and abetted by the prophet Ahijah, the Shilonite. Solomon, when he learned of the conspiracy, sought to kill Jeroboam but the latter fled to Egypt, and remained there until the death of Solomon (1 Kings 11:26—40). When Solomon died, the great and final schism took place. The Bne Israel broke away and set up a kingdom of their own with their capital at Shechem, the ancient city, the religious center and rallying place for the Northern tribes since earliest times. The tribes of the North retained the name of Israel. Theirs was the Kingdom of Israel. The southern kingdom called itself the Kingdom of Judah. Jeroboam, who returned from Egypt, was crowned King of Israel.

In order to compete with Jerusalem and to discourage the people from going with their sacrifices to the Temple where the Ark of the Covenant was lodged, Jeroboam set up a golden bull-calf for the presence of YHVH in Bethel and in Dan. Jeroboam now proclaimed: "You have gone up to Jerusalem long enough. Behold your God, O Israel, who brought you out of the land of Egypt" (1 Kings 12:28).

There was war between Rehoboam and Jeroboam continually (1 Kings 14:30). This, more or less, was the pattern for all future relationships between the two kingdoms and peoples. The same in race, language, and religion, their different historic experiences and jealousies nevertheless kept them apart. One is reminded of the bitter antagonism and the incessant hostility which existed for centuries between the Scots and the English. Unfortunately for Judah and Israel, their hostility was not ultimately resolved in a peaceful United Kingdom.

All attempts at forcible reunification under Rehoboam's successors failed. "There was war between Asa [the third king of Judah] and Baasha, the third king of Israel, all their days" (1 Kings 15:16). A brief period of amity and alliance took place under Jehoshaphat, son of Asa, who ruled over Judah c. 873—849. He was a contemporary of Omri, Ahab, and Jehoram, kings of Israel, and his son Jehoram married Athaliah, the daughter of Ahab. Jehoshaphat joined forces with Ahab against Mesha, king of Moab (2 Kings 3:4—27). But with the revolution of Jehu and the fall of the Ahab dynasty in the North, and the revolution inspired by Johoiada in the South, the period of cooperation and alliance between Israel and Judah came to an end. Fighting resumed. Amaziah, king of Judah (c. 800—783 B.C.), after his victory over the Edomites, challenged King Jehoash of Israel to do battle and suffered a disastrous defeat.



The two kingdoms did not hesitate to make military alliances with foreign nations against each other. Baasha (c. 900–977 B.C.E.) made league with Ben-Hadad of Syria against Judah and built Ramah, a strategic point on the southern frontiers of Israel, in order to control the movement of trade or troops "that he might permit no one to go out or come in to Asa, king of Judah." Whereupon Asa persuaded Ben-Hadad with treasures from the Temple and from his own palace to abandon his coalition with Baasha. He then proceeded to dismantle Ramah and to build his own fortress at Gilead, north of Jerusalem (1 Kings 15).

Later, when Israel again joined with Syria to wage war on Judah, King Ahaz of Judah sought the aid and assistance of Tiglath-Pileser of Assyria (733 B.C.E.). Both Israel and Judah had been caught between the upper millstone of the Mesopotamian Empire in the north and the lower millstone of the Egyptian Empire in the south. At times they sought to maintain a position of neutrality in the midst of the rivalries of these great empires, but with little success. Their own rivalries prompted them to seek the friendship or alliance of one or another of these powers, Judah, as a rule favoring Assyria, and Israel, Egypt.

It was not long thereafter that Assyria destroyed the Kingdom of Israel and drove many of its people into exile. But the enmity between the North and South persisted long after both kingdoms were destroyed. As late as the fifth century, the returned exiles from Babylon, who attempted to rebuild the walls of Jerusalem under the leadership of Nehemiah, encountered the bitter interference of Sanballat, an Israelite from the North, a resident of Beth-horon in Samaria who had been appointed governor of Samaria by the Persian king (Neh. 2:19–20). The returned exiles had earlier, under Zerubbabel, rejected the offer of the leaders of Samaria to assist in the rebuilding of their Temple in Jerusalem: "Let us build with you; for we worship your God as you do; . . ." The reply was: "You have nothing to do with us in building a house to our God" (Ezra 4:1–3).

The following centuries saw a further widening of the gap. The Samaritans proudly proclaimed themselves to be the true Bne Israel and to have had Joseph as their ancestor.<sup>6</sup> They stoutly rejected the

<sup>6</sup> See Gen. Rabba 94:7. To this day the Samaritans call themselves Bne Joseph.

Judean contention that they were descended from the foreign colonists whom the Assyrians had settled in Israel at the time of the conquest and the deportation under Sargon. They spurned the name "cutheans" which the rabbis applied to them. They were indignant at the charge that their religion was not pure Yahvism. They built their own temple on Mount Gerizim which they regarded as the sacred mount and clung to their own Pentateuch which differed in a few minor respects from the Judean Pentateuch. They revered Moses with extreme veneration, and looked to him as their future Messiah. The Messiah would be a descendant of Joseph, not as the Judeans maintained, a descendant of David. They held fast to the letter of the law in the Pentateuch and rejected the interpretations and modifications which the Pharisees introduced. They came to be regarded as schismatic and were finally excommunicated (c. 300 B.C.E.).

In some of the sectarian and pseudepigraphic writings of the early pre-Christian centuries one discovers a sustained bias against Judah, a bitter criticism of King David, and an insistence that the Messiah will not come from Judah.<sup>7</sup>

<sup>7</sup> E.g. The Zadokite Document, IV, 11; V, 2–3.

It is clear that we are dealing here with two peoples, or with two groups of kindred tribes who, while sharing remote memories of a common ancestry and a cradle of common origin in Haran and the cult of a deity who was uniquely theirs, were in other ways quite distinct in their historic experiences. It has been suggested by Professor Noth and others that the Hebrew tribes resembled more or less the early Delian or Delphic amphictyonies of Greece, which were leagues of states who shared in the cult of a common deity and assumed the protection of his temple and worship. The amphictyonies comprised twelve tribes (or six), each taking its monthly or bimonthly turn of service at the shrine of the deity. But while resemblances between the loose confederation of the Hebrew tribes with Greek amphictyonies may be adduced, there are some dissimilarities, and there are insufficient biblical data fully to accredit this interesting thesis.

It is extremely difficult to reconstruct the early history of the Hebrew tribes. There is not enough dependable material available, either in literary documents or in archaeological records. It is quite hazardous to deduce tribal history in every instance from the folk tales about the Patriarchs and their families which are found in the Book of Genesis. Attempts may nevertheless be made on the basis of what is available toward some tentative solutions, bearing in mind always that much remains conjectural.

The ancestral tradition of the Kingdom of Judah traced itself back to Abraham, that of the Kingdom of Israel to Jacob. Both came from Haran, Abraham first, Jacob later. Abraham's migrations in Canaan were principally in the South, in the territory that was later to belong to the Kingdom of Judah—Hebron, Beer-sheba. Abraham passed through Shechem and Bethel, but he "journeyed on, still going toward the Negeb" (Gen. 12:6). He visited Egypt and he returned to the Negeb (Gen. 13:1). He also dwelt for a time between Shur and Kadesh, and in Gerar (Gen. 20:1)—all in the region near the border of Egypt. He was buried in Hebron.

The Abraham tribe after a time split up into two. Ishmael (Arabs) moved into Arabia, Isaac (Isaac-el) continued to live in the southern part of Palestine, in the Negeb. Its central shrine was at Beer-sheba. The Isaac tribe was later also divided into two—Esau (Edom) and Jacob (Jacob-el). Tribes would, on occasion, divide themselves peacefully for economic reasons—not enough wells or pasture land. Sometimes members of one tribe would infiltrate the territory of another. At other times bitter intratribal feuds would lead to violent rupture and parting.

In the case of the Jacob and Esau tribes, two accounts are given in Genesis. One states: "Then Esau took his wives, his sons, his daughters, and all the members of his household, his cattle, all his beasts, and all his property which he had acquired in the land of Canaan; and he went into a land away from his brother Jacob. For their possessions were too great for them to dwell together; the land of their sojournings could not support them because of their cattle. So Esau dwelt in the hill country of Seir; Esau is Edom" (Gen. 36:6–8).

In this account it is Esau (Edom) who moves away from Jacob (Israel) because the land could not support them both. In the second account, the separation was less peaceful. Hostility developed between the tribes of Esau and Jacob and the Jacob tribe was forced to move away from the South. It moved back to the original home in Haran (Gen. 28:10). Later it returned to Canaan, but not to the Negeb. This second account is reflected in the story of the struggle between Jacob and Esau for the birthright, i.e. for

the right to possess Canaan. The brothers are finally reconciled and peacefully part from one another. As we shall see later, it was Judah that was constantly at war with Edom, not Israel.<sup>8</sup>

<sup>8</sup> See pp. 000 ff.

The Isaac tribe which remained in the South, together with other clans of the Abraham tribe such as the Bne Ketura, who were closely related to it (Genesis 25), later constituted the tribe of Judah, a tribe of considerable admixture. In later times, the Kingdom of Judah was sometimes referred to by the name of Isaac (Amos 7:9). "The high places of Isaac [Kingdom of Judah] shall be made desolate, . . ." <sup>9</sup> It is also referred to by the name of

<sup>9</sup> Amos is the only prophet who uses the term Isaac in speaking of Judah. He does not use it as a synonym for Israel, as a hasty reading of the text might suggest. Amos is prophesying doom in the name of YHWH upon the entire people, Judah as well as Israel, because of their sins. "Behold, I am setting a plumb line in the midst of my people Israel." When referring to Israel alone, Amos uses the term Israel, the Children of Israel, the House of Israel, Jacob, Joseph or the House of Joseph, but never the "people of Israel" (cf. 2:6; 3:1; 3:12; 3:14; 4:5; 5:4; 9:7). The high places and the sanctuaries of both the North and the South will be destroyed, and YHWH will also rise against the house of Jeroboam with the sword. Amos, though himself of the South, having been born in Tekoa, never showed favoritism when it came to pronouncing the judgment of YHWH. He had warned Judah too that for its transgression YHWH would "send a fire upon Judah, and it shall devour the strongholds of Jerusalem" (Amos 2:4-5). But Amaziah, the high priest of Bethel, deliberately charged Amos with singling out *Israel alone* in his prophecy of doom. "Jeroboam shall die by the sword, and Israel must go into exile away from his land" (Amos 7:11), and he told him to go back to Judah where he came from "and eat bread there, and prophesy there." Amos retorts that he is not a professional prophet who is attached to this or that sanctuary in Israel or Judah, but that YHWH took him from following the flock and said to him: "Go prophesy to my people Israel" (Amos 7:15), the *whole* of Israel, not Judah alone, nor Israel alone.

Abraham (Micah 7:20) "You will show faithfulness to Jacob [Kingdom of Israel], loving kindness to Abraham" [Kingdom of Judah].

Jacob's migrations were principally in the north, in what came to be the Kingdom of Israel. It was from Harran that he returned to Canaan by way of the east, Gilead, Succoth, Shechem. While in Harran he married Rachel, the woman whom he preferred above Leah. Rachel bore him the two sons Joseph and Benjamin (the latter born in Canaan, Gen. 25:16-20, i.e. allied itself to Israel later). Soon after the birth of Joseph, Jacob asked of Laban permission to return "to my own home and country" (Gen. 30:25). Upon effecting a reconciliation with his brother Esau (Edom), in Gilead, which made his return possible, he journeyed to fertile Succoth, east of the Jordan near the River Jabbok, and dwelt there for a time, and then to Shechem (Gen. 33:17-20). At Shechem two of his sons (tribes), Simeon and Levi, because of a wrong done to a sister clan (?) Dinah, daughter of Jacob, betrayed the city which was inhabited by Hivites, and by means of a stratagem, killed its male population and plundered it. It was from the vicinity of Shechem, according to the biblical account, that the sons of Jacob, led by Joseph, descended into Egypt.

The larger of the two groups of Hebrew tribes (Judah and Israel) was the Israel group, the nucleus of which were the tribes of Joseph, Ephraim, Manasseh, and Benjamin.<sup>10</sup> They constituted the

<sup>10</sup> The tribe of Benjamin seems to have had an independent tradition apart from the twelve tribes. Benjamin alone of all the children of Jacob was born in Palestine, not in Harran. This might suggest that the tribe of Benjamin was in Palestine prior to the migration of the Jacob tribes from northern Mesopotamia. Present-day scholarship has connected the tribe of Benjamin with the Bne Yamin mentioned in the royal archives excavated at Mari. This warlike tribe, after its defeat at the hands of the king of Mari (18 B.C.E., the period of the Patriarchs), wandered south and finally reached Palestine. See "The Birth of Benjamin," James Mollenberg, *Journal of Biblical Literature*, LXXV, pp. 94-201.

core of those who left Egypt.<sup>11</sup> These tribes settled in central and northern Palestine and along the northern coast. Upon their return from Egypt, they joined up with fellow Hebrews in Shechem and central Palestine who had been there right along and had never gone down to Egypt. The Israelites who left Egypt are known as the "Bne Israel" or simply "Israel" or the "Bne Joseph" or "Bet Joseph."<sup>12</sup>

<sup>11</sup> Psalm 80, whose composition probably antedates the monarchy, reflects some perilous moments in the early experience of the tribes. This Psalm speaks of only four tribes—Joseph, Ephraim, Manasseh, and Benjamin—as the vine which YHWH brought out of Egypt (v. 8). "Give ear, O Shepherd of Israel, thou who leadest Joseph like a flock! Thou who art enthroned upon the cherubim, shine forth before Ephraim and Benjamin and Manasseh! Stir up thy might and come to save us!" (vv. 1-2.)

<sup>12</sup> Josh. 17:17; Judg. 1:22-23, 35.

Until the unification of the country under David, these Bne Israel, as well as the knsmen whom they found in Canaan, are occasionally referred to as "Ivrim," Hebrews. This was the common name of all the tribes that had come to Canaan during both migrations. Saul mustered the tribes to battle against the Philistines with the blowing of the trumpet and the cry: "Let the Hebrews hear" (1 Sam. 13:3). This term was also applied to the Patriarchs. In Egypt the tribes are called Hebrews and their God, the God of the Hebrews (Exod. 7:16). After the conquest and the unification of the country under the monarchy, the term gradually disappears.

In the Tell el-Amarna letters one finds references to 'Hapiru ('Apiru) tribesmen who were harassing the frontiers of Palestine, which was then part of the Egyptian empire, and who, on occasion, served as mercenary troops for one or another local prince or general. Mention of the 'Hapiru is also found in Akkadian, Hittite, and Ugaritic sources. Their presence seems to have been felt in many localities throughout the Near East in the second millennium B.C.E. They were evidently a numerous group of peoples, not necessarily of one ethnic composition, who were driven south and southwest from their original homes in the Fertile Crescent by invaders from the north in the eighteenth century B.C.E., an invasion that was probably part of a general movement of nations which carried the Indo-Iranians into India and Iran.

Palestine in the age of the Patriarchs was an open territory where various peoples in search of new homes settled or where they roamed as seminomadic groups. Added to the number of aboriginal Semitic peoples, non-Semitic groups also had moved into Palestine, such as the Hittites whose original home was beyond the Taurus Mountains in Asia Minor, and the Hurrians (Horites, Hivites) from south of the Caucasus.

The term "Hapiru," like the term "Hebrew," may mean "one who crosses a boundary"—one who has left home, hence a foreigner, an immigrant, possibly also an "invader." The 'Hapiru were not, strictly speaking, nomads but people who accepted employment wherever they could find it, whether as laborers, soldiers, or servants, and who received payment for their services.<sup>13</sup> The Semitic

<sup>13</sup> See Mary P. Gray, "The Hapiru-Hebrew Problem," *Hebrew Union College Annual*, XXIV, 1938.

Hyksos, who conquered Egypt in the eighteenth century, probably belonged to this same stream of peoples, who were driven southward when the Hittite Empire of the north was overthrown by Indo-European peoples who invaded their territories in the middle of the eighteenth century. And so did the ancestors of the Hebrews, the Patriarchs, who migrated from Mesopotamia about the same time.





It may well be that the Judah group never shared in the Egyptian experience and in the Exodus under Moses. It is of interest to note that the prophets Amos, Hosea, and Micah always admonish *Israel* to recall the experience of their ancestors when they left Egypt—never Judah. The Exodus, the forty years' wandering in the wilderness (Amos 2:10), the selection of the people by YHVH (Amos 3:2), Moses, Aaron, Miriam, and the Balaam-Balak episode (Micah 6:4-5) are all recalled as well known events and figures in the early history of *Israel*, not of Judah. (See also Hosea 11:1-3, 12:9).<sup>20</sup>

<sup>20</sup> In Psalm 78, which is very reminiscent of the Song of Moses in Deuteronomy 32, and is clearly the work of a pre-exilic Judean poet who extolls the dynasty of David and explains why YHVH "rejected the tent of Joseph, [and] he did not choose the tribe of Ephraim, but he chose the tribe of Judah, Mount Zion, which he loves" (vv. 67-68), the entire saga of the Exodus and the experiences in the wilderness are associated exclusively with the Bne Ephraim (v. 9).

It was the Joseph group of tribes, the Bne Israel, that Moses led out of Egypt. It was with them that the Covenant with YHVH was made at Sinai. It is with them that the Ark of the Covenant rested—and in their territory after they entered Canaan. Joshua, Moses' successor, was himself of the tribe of Ephraim. Ehud, the son of Gera—actually the first of the Judges—who defeated the Moabites, was of the tribe of Benjamin (Judg. 4:5). Gideon, the victor over the Midianites, was of the tribe of Manasseh, and his allies were tribes of the North. Samuel was of the tribe of Ephraim. Saul was of the tribe of Benjamin. Both the politico-religious center, or as some would suggest, the amphictyonic center, of the Israeli tribes, Shechem, and the central sanctuary, Shiloh, where the Ark was lodged, were in the territory of the Joseph group. Joseph himself was buried in Shechem and Joshua in the hill country of Ephraim. The Judah group plays a very small role in the early history of the people and of the conquest until the time of King David.

When the consolidation under the monarchy took place, it became advisable to harmonize the past histories of all the tribes, to give them a common past, to make them all part of the ancient Covenant at Sinai. The Ark, which had been in the territory of the Bne Israel in Shiloh, was now transferred by David to Jerusalem, which, according to 2 Sam. 5:6-9, he conquered and made the capital of a united kingdom.

## 6

### The Conflicting Traditions of Israel and Judah

It is noteworthy that the Judean historical and prophetic sources, while recognizing, of course, the place of Moses and the Exodus in their national tradition, stress it far less than the Northern sources. With the North everything really begins with Moses and the Exodus. There is hardly any reference to Abraham and the Patriarchs in Deuteronomy, the core of which is Northern, except that YHVH had "sworn to your fathers, to Abraham, Isaac and Jacob," to give the land of Canaan to their descendants (Deut. 29:12, 27). The book begins and ends with Moses.

The Book of Joshua contains one single reference to the Patriarchs, whereas Moses is frequently mentioned.

The Book of Judges knows Moses and the Exodus but not Abraham. Samuel knows Moses and Aaron but again not the Patriarchs.

Amos and Hosea never refer to the period preceding the Exodus, but abundantly to the Exodus. In criticizing Judah, Amos makes no mention of YHVH as having redeemed them from Egypt, but in the case of Israel, the burden of his strictures is that they have proved ingrates and have forgotten all that YHVH did for them in redeeming them from Egypt (Amos 2:10 f.).

It is with the later prophets of *Judah* that the pre-Mosaic period comes into fuller view. Isaiah speaks of YHVH who redeemed Abraham (Isa. 29:22). Jeremiah speaks of "the two families [Judah and Israel]" whom YHVH had chosen, whom the people no longer considered a nation (since both had been exiled), and declares: "Thus says the Lord: If I have not established my covenant with day and night and the ordinances of heaven and earth, then I will reject the descendants of Jacob [Israel] and David my servant [Judah] and will not choose one of his descendants to rule over the seed of Abraham, Isaac, and Jacob" (Jer. 33:24-26).

The spiritual leaders of the people now speak again of a united people—Israel—embracing both Israel and Judah, as in the days of the united Kingdom, which they hope will soon be restored. They stress the common racial origin, tracing it back to Abraham. This is especially true of Deutero-Isaiah. "Look to Abraham your father and to Sarah who bore you" (Isa. 51:2), he calls to the people who are yearning for deliverance. "But you, Israel, my servant, Jacob, whom I have chosen, the offspring of Abraham, my friend, . . . fear not, for I am with you . . ." (Isa. 41:8-10).

This difference in emphasis in the role of Moses and the Patriarchs reflects not only the early and divergent experiences of the two groups of tribes, as we have pointed out, but also the sharp differences which revived and persisted among them after the breakup of the united Kingdom.

The revolution and the setting up of a new state in Northern Israel, made imperative the setting up of a new national center of YHVH worship in the North. The people had, through the centuries of the conquest and the united Kingdom, come to look upon the place where the Ark of the Covenant lodged as the central shrine of YHVH, the place of national pilgrimage and of the oracle of YHVH where He could be consulted and His will ascertained. The Ark, which had been moved from place to place ever since the invasion of Canaan, had finally found its permanent resting place in the resplendent Temple which King Solomon had built in Jerusalem. As long as the people turned their eyes to this Temple, in the capital of a rival kingdom, there was the danger, which the leader of the revolution, Jeroboam, was quick to grasp that they might "turn back to the house of David" (1 Kings 12:26 f.). It became urgent to build a new sanctuary to replace the Temple in Jerusalem in the eyes of the people.

Needless to say, it was to be a Temple dedicated to YHVH. Jeroboam did not found a new religion or establish a new cult. The spiritual guide of his revolution was the loyal Yahvist prophet Ahijah, the Shilonite. It was, of course, never intended that YHVH should be worshiped only in one shrine in Palestine. Ever since the



21—SILVER—Moses and the Original Torah—11x12x25 Bask.  
people entered Canaan, YHVH had been worshiped and was being worshiped both in the north and in the south in many places. There were many "high places" (*Bamot*) which were especially favored for YHVH worship. Some were held in higher esteem than others. Thus, the sanctuary of Gibeon, located six miles northwest of Jerusalem, where there was a "great stone" (2 Sam. 20:8), is referred to as "the great high place" (*Ha-Bamah Ha-Gedolah*). It is here that Solomon received YHVH's revelation in a dream (1 Kings 3:4-15).

The exclusive centralization of the YHVH cult and the bringing of sacrifices to one national sanctuary was not attempted in Judah until the days of Hezekiah (c. 715-687) and Josiah (c. 640-609). Such an attempt was never made in Northern Israel, and even the prophets who prophesied there—Elijah, Elisha, Amos, Hosea—never called for it.<sup>1</sup> Even after Jeroboam had established his rival

<sup>1</sup> It is of interest here to note that the Judeans who were exiled to Babylon after the reformation of Josiah did not proceed to build for themselves a temple in exile, but the Jewish garrison community which was established in Elephantine in Egypt, either prior to the time of Josiah or in ignorance of his reformation, did build for themselves a temple where sacrifices were offered.

sanctuaries in Bethel and Dan, other Northern shrines continued to function at Gilgal, Beer-sheba and elsewhere.<sup>2</sup>

<sup>2</sup> Beer-sheba, even though it was situated in the territory of the Kingdom of Judah was, nevertheless, revered as a sacred place of pilgrimage and sacrifice by the Israelites of the North. (See Amos 5:5 and 8:14). Elijah fled to Beer-sheba from the wrath of Jezebel. It was at Beer-sheba that Jacob, the ancestor of the tribes of Israel, prior to his journey to Egypt, received the revelation not to be afraid to go down to Egypt, . . . "for I will there make of you a great nation" (Gen. 46:1-4).

But the Temple in Jerusalem had the advantage in possessing the Ark. There was, of course, no second Ark of the Covenant which could be placed in Northern Israel so that the people would know that the oracle of YHVH was there also. The Ark rested underneath the wings of the gilded cherubim (winged horses with a human head?) spreading over the mercy seat, the *Kapporet* of pure gold, in the inner sanctuary (*Debir*—the place of Oracle) of the Jerusalem Temple. The Presence of YHVH was enthroned there, and from above that mercy seat, YHVH revealed His will to His people. Jeroboam, therefore, built a sanctuary at Bethel, and another at Dan in the extreme North, near the border. In place of cherubim for the mercy seat of YHVH's Presence, he set up a golden bull-calf as the pedestal of YHVH's Presence.<sup>3</sup>

<sup>3</sup> A sanctuary had existed in Dan ever since the days of the Judges and had been in charge of a priestly family which traced its origin to Moses. Of old, too, Dan possessed an ephod with which to consult YHVH, which the Danites had forcibly appropriated on their way to their new home in the North.

Bethel had been a revered place long before the division of the Kingdom and even before the days of the united Kingdom. As a place of YHVH worship, it was, of course, much older than Jerusalem which did not come into the hands of the Hebrews until the time of David. Bethel was one of the three religious centers which were visited by Samuel on his annual circuit as judge. It was traditionally associated with Jacob (Gen. 28). It was Jacob himself who named the place Bethel, and erected a *Mazzenah* there after YHVH appeared to him (Gen. 28:19). In another account (Genesis 35) Jacob built an altar at Bethel, at the command of God, after having his household remove the foreign gods which they had with them, which Jacob proceeded to hide under the oak tree near Shechem. When the Northern and Southern tribes were united into one kingdom, Bethel came to be associated also with the name of Abraham, who was declared to have built an altar there to YHVH (Gen. 12:8). It was a logical place for Jeroboam to choose as his principal royal sanctuary to rival Solomon's. It continued to be a holy place and to have a sacred altar long after the destruction of the Kingdom of Israel in 722 B.C.E. A century after the destruction, King Josiah of Judah, who had succeeded in extending his territories to include a part of Samaria, pulled down the altar at Bethel which Jeroboam, the son of Nebat, had erected, and broke the pillar which stood near it and burnt the asherah (2 Kings 23:15).

Jeroboam now proclaimed: "You have come to Jerusalem long enough. Behold your gods who brought you up out of the land of Egypt" (1 Kings 12:28).<sup>4</sup> Here YHVH could now be consulted,

<sup>4</sup> Or, following Targum Jonathan: "It is too long a way for you to go up to Jerusalem."

and here is the place of His revelation.

But the Ark in the Temple of Jerusalem contained, so the Judeans claimed, the original Torah of Moses which was inscribed upon two tablets of stone which rested in it. This gave the Jerusalem Temple a unique prestige in the eyes of the people. The religious leaders of the North quickly pointed out to their people that Moses had ordered a copy of his Torah to be inscribed on other tablets of stone and to be placed, as soon as the people could enter Canaan on Mt. Ebal, which was in the territory of Israel (Deut. 11:29-32; 27:2-8). Mt. Ebal is just north of Shechem where Jeroboam built his first capital. Shechem was in all likelihood the first cultic center of the Israelitish tribes antedating both Bethel and Shiloh. It possessed a sanctuary and near it was a sacred oak. It ceased to be the cultic center when it was destroyed by Abimelech, the son of Gideon, who slew the inhabitants of Shechem who had rebelled against him and "razed the city and sowed it with salt" (Judg. 9:45). Joshua had set up these stones on Mt. Ebal (Josh. 8:32). It was at Shechem too, that Joshua, at a solemn conclave, made a new covenant between Israel and YHVH and set statutes and ordinances for them as a basis for the covenant. He wrote them in the book of the Torah of God and took a great stone and set it there under the oak in the sanctuary of YHVH (Josh. 24:25-26). This stone (like the tables of stone in the Ark) was "to be a witness for us, for it has heard all the words of YHVH which he spoke to us; and it shall be a witness against you when you deal falsely with your God" (Josh. 24:27).

It was important to accustom the people to make their pilgrimages to Bethel and Dan instead of Jerusalem, there to offer their sacrifices and make their inquiries of YHVH. The new sanctuaries had to be given high status and preferment. Accordingly, "Jeroboam appointed a feast on the fifteenth day of the eighth [*šc*] month like the feast that was in Judah, and he offered sacrifices upon the altar" (1 Kings 12:32). The festival was, of course, Succot, the Feast of Tabernacles. In Judah this festival was celebrated on the fifteenth day of the seventh month (Lev. 23:32). In the Book of the Covenant the exact day is not specified, the provision being: "You shall keep the feast of ingathering at the end of the year, when you gather in from the field the fruit of your labor" (Exod. 23:16). This general provision is retained in Deuteronomy (16:13-15). Harvest time in the north of Palestine is a few weeks later than in the south, and a later date for the celebration of the harvest festival would prove very convenient for the people. Changing the calendar and the set time for festivals was also always an index of a definite break and separation.

It was also necessary to find a priesthood for the new sanctuaries of YHVH at Bethel and Dan. In Judah, ever since the time of David and Solomon, the official priests who served at the central sanctuary, first in the City of David and then in the Temple, were appointed by the king. Many of them were professional Levites, though David and his sons also performed priestly functions. Levites officiated since the days of the Judges at the many local shrines or "high places" in the country and with private families, as the guardians of the sacra, the teraphim, the graven and the molten images, and the ephod oracle which they consulted, as did the wandering Levite in the house of Micah (Judg. 18).

The term Levite is used in the Bible to apply to a member both of a tribe and a profession. From earliest times the tribe of Levi was a scattered tribe which did not succeed in carving out for itself a fixed territory in Canaan. Originally it appears to have been a tribe like the others, and, judging from the early records, a fierce and warlike tribe. "Simeon and Levi are brothers [i.e. two of a kind]; weapons of violence are their swords." It was the tribes of Simeon and Levi who attacked and reduced the city of Shechem, and killed its male population. The Testament of Jacob (Gen. 49:5-7)—"I will divide them in Jacob and scatter them in Israel"—seems to suggest that subsequent to the Shechem incident the tribes were themselves attacked by the natives of the region, and were defeated and scattered. This or some other such incident which sprang from their ruthless ferocity forced them to abandon their temporary foothold in Palestine and they moved southward.

As far as the tribe of Simeon is concerned, it is not included among the roster of the tribes either in the Song of Deborah or in the Blessing of Moses. It seems to have been absorbed by the tribe of Judah and later incorporated within the Kingdom of Judah, which David founded, along with Kenites, Calebites, Jerahmeelites, and other clans, some of them of considerable Canaanitish admixture.

The tribe of Levi seems to have been entirely dissolved. Beyond this it is difficult to establish anything certain about its history. Some have even questioned whether it ever was a tribe. One thing is clear; as a tribe it never had a permanent abode anywhere in Palestine, a "portion or inheritance" in the land. How members of this tribe came to be prominently identified with the cult of YHWH and the keepers of its shrines, has so far defied any satisfactory solution. Perhaps the scattered Levites, having no land of their own to cultivate, turned for a livelihood to the humble pursuit of guarding and attending the numerous tribal shrines of the country. In Deuteronomy the Levite is classed with the stranger, the orphan, and the widow, and numerous appeals are made not to forsake him, for he has no portion or inheritance of his own (Deut. 14:27-9, 16:14-26:12).

It is also possible that the term "Levi" derived not from the name of a tribe but from a calling—the professional attendant at the shrine,<sup>5</sup> the one who looked after the sacred cult objects, especially

<sup>5</sup> "to accompany."

the oracular ephod. When the priest Abiathar fled to David to Keilah, he carried the ephod with him (1 Sam. 23:6). Such an attendant did not belong to any one tribe. In fact, the Levite whom Micah, the Ephraimite, employed as his priest to look after the graven and molten images in his private shrine and to consult the ephod, was a young man of Bethlehem in Judah, "of the family of Judah" (Judg. 17:7).

In the course of time the Levites, whether they were members of a scattered tribe or not, came to function at many YHWH shrines throughout the land. It was in Judah that they were most numerous and in course of time they came to have their guild centers there. As has been noted, it was from Bethlehem in Judah that the Levite who performed priestly functions in the house of Micah came. The Levite, whose concubine was slain by the Benjamites, "sojourned" in the remote parts of the hill country of Ephraim but he was probably from Judah. His concubine was from Bethlehem in Judah (Judg. 19:1). He, too, probably came from Bethlehem, which seems to have been a Levite guild center. Nob, "the city of priests" (1 Sam. 22:19), not far from Jerusalem, was also such a center. So probably also was Anathoth, also near Jerusalem, to which Solomon exiled the priest Abiathar, saying: "Get thee to your fields [i.e. the common lands of the Levites] in Anathoth" (1 Kings 2:26).

When the elaborate sanctuary was established by Solomon in Jerusalem, it was necessary to enroll a permanent class of functionaries to officiate as priests at the sacrifices, to sing and to play the musical instruments, to care for the Temple courts and to guard all the holy paraphernalia.

Tradition credits King David, who himself had wished to build the Temple and had actually made preparations for it, with the organization of the Temple staff, service, and ministry (1 Chron. 23:2). It is quite likely that David, who was a gifted musician and poet to whom some of the Psalms can be ascribed, did in fact lay the groundwork for the Temple service, its program of music, and the organization of its official staff. King Solomon co-opted his priests from the available Levites in Judah. At their head he placed Zadok (1 Kings 2:35) who had remained faithful to him at the time of the Adonijah struggle for succession (1 Kings 1:8). Zadok and his descendants occupied that high office until after the destruction of the Kingdom of Judah.

Jeroboam too, found it necessary to appoint priests for the sanctuaries in Israel which he established, but he would have nothing to do with the Levites. They were Southerners, with their guild centers in Judah. The later historian of Kings criticizes Jeroboam for having appointed his priests "from among all the people, who were not of the Levites" (1 Kings 12:31). The Chronicler retains the tradition that Jeroboam and his sons actually *cast out* the Levites from serving as priests of YHWH and dispossessed them of their common lands. They accordingly fled to Judah and rallied around King Rehoboam (2 Chron. 11:13-15). These Levites, under David and Solomon, had been settled in a number of centers throughout the country, not alone to perform religious functions but to attend to "the service of the king" (1 Chron. 26:30-32), that is to engage in certain administrative functions for the central government, possibly also the collection of taxes.<sup>6</sup>

<sup>6</sup> See Benjamin Mazar, in *Iyunim B'Sefer Jehoshua*, (1960) pp. 165-186+.

It should be borne in mind that the Pentateuch and the historical books of the Bible from Joshua through Kings were recast and finally edited by Judean scribes who were probably Levite priests. But their editorial work was not so thoroughgoing and meticulous as to obliterate every trace of Northern sources. Their point of view, however, was definitely Judean. Their aim was to extoll the Davidic dynasty and the central sanctuary in Jerusalem. They were hostile to the Northern Kingdom for having broken away from Judah and for having expelled the Levites from its shrines, refusing to employ them as priests.

The priests of the North traced their ancestry to the family of Aaron and Moses. They did not regard themselves as belonging to the tribe of Levi. Later Judean writers sought to make Levites both of Moses and Aaron. Their eager desire to do so is betrayed by the verse in Exodus (4:13-14). Moses, who is reluctant to accept the mission to go to Pharaoh pleads with YHWH: "O, my Lord, send, I pray, some other person." He is rebuked by YHWH: "Is there not Aaron, your brother, the *Levite*?" Why should Moses be reminded that Aaron, his brother, is from the tribe of Levi? This is the only instance in the Pentateuch where Aaron is referred to as "Aaron, the *Levite*." The genealogical tables which were compiled by Levite priests trace Aaron's ancestry, of course, to the House of Levi.<sup>7</sup>

<sup>7</sup> Professor Yeheskel Kaufmann states that "the consistent opposition of Aaronides to Levites (or Elides to Zadokites) makes it doubtful that the former considered themselves originally as members of the tribe of Levi. It appears that the Aaronites are the ancient, pagan priesthood of Israel." (*The*



*Religion of Israel*, 1960, p. 197). We have no evidence of any ancient, pagan priesthood in Israel. When priesthood and sacrifices developed in Israel, following the example of the indigenous populations, the priests of the Northern Kingdom, by way of enhancing their prestige and having their authority fully accredited, asserted that they were descendants of Aaron, the brother of Moses. They did not regard Aaron as belonging to the tribe of Levi, nor, of course, his brother Moses.

The Northern priests were the Bne Aaron. According to their tradition, it was Moses himself who, at the command of YHVH, and in the presence of the entire people, clothed Aaron with the raiments of the High Priest, including the ephod and the breast-piece which contained the Urim and the Thummim (the sacred lot), anointed and consecrated him and inducted him into office. Moses also consecrated the sons of Aaron (Lev. 8).

The Southern Levite priests sought to discredit them by discrediting Aaron himself. There are two contrasting portraits of Aaron in the Pentateuch, one favorable, the other derogatory. One account makes him the mouthpiece of Moses, his constant companion and collaborator. Aaron accompanies Moses on all his missions to Pharaoh, and is the actual spokesman. He is also Moses' spokesman to the enslaved Israelites (Exod. 4:16). It is Aaron who performs the rod-serpent miracle before Pharaoh, and it is he who, at the command of YHVH through Moses, brings some of the ten plagues down upon the land of Egypt. "Moses and Aaron [together] did all these wonders before Pharaoh" (Exod. 11:10). It is Aaron and Hor who uphold the weary hands of Moses in the battle with the Amalekites. Only Aaron comes up with Moses to Mount Sinai on the morning of the theophany, when YHVH gave the Ten Words to the people (Exod. 19:24). It is under the joint leadership of Moses and Aaron that the people of Israel went forth out of the land of Egypt (Num. 33:1). It is the two, Moses and Aaron, who together were given the command by YHVH to lead the people out of Egypt (Exod. 6:26-27).

There is, however, another account which ignores Aaron's role completely in the drama of the Exodus and the revelation at Mount Sinai (Deut. 1-5). It dwells at length on the fact that it was Aaron who made the golden calf and built the altar and led the people into the dread sin of worshiping it. It was Aaron who was responsible for letting the people "loose for a derision among their enemies." It was his action which led to the breaking of the Tables of the Law by Moses, tables which "were the work of God, and the writing was the writing of God graven upon the tables" (Exod. 32). It was Aaron who so aroused the wrath of Yahveh that He was about to destroy the people along with Aaron (Deut. 9:20).

It was the Levites, this account further asserts, who saved the day. It was they who rallied around Moses and slew the offenders, about three thousand of them. And it was the Levites who were then consecrated and chosen as priests (Deut. 10:8).

The attack on Aaron was, of course, also an attack on the sanctuaries of the Northern Kingdom and upon its officiating priests who traced their lineage to Aaron.

Aaron is again brought under attack for his criticism of Moses because he had married a Cushite woman, and in the story of the rebellion of Korah (Num. 16) which is clearly a composite narrative. It records a rebellion on the part of a substantial number of men of renown among the people, "princes of the congregation, the elect men of the assembly," and it was led in the main by Reubenites, against the authority of Moses. The tribe of Reuben, whose territory was east of the Jordan, just north of Moab, was always regarded as dependable. Along with Gad and a portion of Manasseh, it balked at crossing the Jordan to join forces with the other tribes in the conquest of Canaan (Num. 32). The Book of Joshua (chapter 22) records the fact that the Reubenites along with the Gadites and the half-tribe of Manasseh attempted to build an independent altar for themselves which the rest of the Israelites interpreted as "a rebellion against YHVH." Deborah denounced the tribe of Reuben for "tarrying among the sheep-folds" and not coming to the aid of their hard-pressed brethren in the war against the Canaanites. The Testament of Jacob characterizes Reuben as "unstable as water" (Gen. 49:4).

The same narrative in Numbers 16 contains also the story of a rebellion on the part of the Levites who demanded the full prerogatives of priesthood, and challenged the priestly monopoly of Aaron (v. 11). This rebellion is led by Korah, a Levite and his followers of the Bne Levi. Here we find another echo of the bitter and long-drawn-out antagonism between the Levites who served in all the sanctuaries of the South and in the Temple at Jerusalem, and the Bne Aaron of the North. In the account in Numbers, it is the position of the Bne Aaron which is vindicated.

Generally speaking, it is in the North that the tradition of Aaron as the founder of the priestly hierarchy was fostered. The priests at Shiloh traced their ancestry to Phineas, the son of Eleazar, the son of Aaron. Their ancestors had been in Egypt. Aaron and Phineas are Egyptian names, as is the name of the renegade son of Eli, Hophni. Eli belonged to the North and was an Aaronite. The hostility of the Southern priesthood, which was not Aaronite, is reflected in the bitter words of the Ish Ha-Elohim, the Man of God, who came to Eli and informed him that YHVH, who had revealed Himself to "the house of your father [Aaron] when they were in Egypt . . . and I chose him . . . to be my priest, . . ." and "I promised that your house and the house of your father should go in and out before me forever; but now . . . I will cut off your strength and the strength of your father's house, . . . And I will raise up for myself a faithful priest, who shall do according to what is in my heart and in my mind; and I will build him a sure [new] house, and he shall go in and out before my anointed forever" (1 Sam. 2:27-36). This diatribe is reminiscent of a similar utterance of an Ish Ha-Elohim of Judah against King Jeroboam of the North and against the altar which he had erected at Bethel and again reflects the feelings of the Southern priesthood.

The Book of Deuteronomy is in its final form a Judean product and never refers to priests as Bne Aaron, and seldom refers to priests without appending immediately the designation "Levite." Deuteronomy states categorically that "YHVH" set apart the tribe of Levi to carry the ark of the covenant to YHVH, to stand before YHVH to minister to him and to bless in his name, to this day" (Deut. 10:8). Of Aaron it has nothing to report except his sin in making a golden calf, when "YHVH was so angry with Aaron that he was ready to destroy him" (Deut. 9:20), and his death (Deut. 10:6 and 32:50). The son and successor of Aaron, Eleazar, is mentioned but once in Deuteronomy. Deuteronomy also ignores Eleazar in the matter of the allotment of the land among the tribes. In Numbers (32:28; 34:16) YHVH commands both Eleazar and Joshua to supervise the distribution of the land; in Deuteronomy (31:7-8) it is Joshua alone who is so commissioned.

Violent enmity existed between the Levite priests of Judah and the Northern priests who called themselves the Bne Aaron and traced their ancestry to the brother of Moses, Aaron. These Northern priests did not regard Aaron as a Levite at all. It would have been incongruous if the Northern Kingdom, having ejected the

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 Levites from its sanctuaries, had fostered the tradition that their own priests, the Bne Aaron, were themselves descended from a Levite, and that their great national hero and emancipator, Moses, was also a Levite. Nor would they have relished the thought that Moses and Aaron belonged to a *tribe* which had been cursed by Jacob, the progenitor of the tribes of Israel, for a crime which it committed, a tribe that had been driven away and scattered.

## 7

### Where is the Original Torah of Moses?

Where do we find the original Torah of Moses?  
 The "Words" (*debarim*) which are contained in the Decalogue were in all likelihood part of the original Torah, though not necessarily in their present form or order.<sup>1</sup> They are fundamental teachings of a universal moral character, of high generality, precisely the kind of doctrine and disciplines which Moses, intent upon fashioning a new society of free men dedicated to the worship, through righteousness, of the one unseen and unrepresented God, would announce to the people.

It should be borne in mind that Moses was not drawing up a detailed blueprint for the political and economic management of their lives once they entered Canaan. He could not give them laws which would be subject to change with the changing economic and social conditions which succeeding generations would encounter. He could not legislate for them, for example, seasonal agricultural festivals for life in Canaan, which they had not yet entered, nor, on the face of it, such laws as are found in Lev. 19:19: "You shall not let your cattle breed with a different kind; you shall not sow your field with two kinds of seed; nor shall there come upon you a garment of cloth made of two kinds of stuff." He was concerned with the indispensable rules of human behavior and the enduring foundations of a just society. It was only the principles (*kelalim*) of the Torah which God taught Moses during the forty days on the Mount, not the whole Torah, declared the later rabbis (Exod. Rabba 41:6).

There are additional Words of the same character as those of the Decalogue found elsewhere in the Book of the Covenant. There are also additional Words found in the Deuteronomic and Holiness Codes. The Decalogue is only one formulation and it was not intended to be comprehensive or complete. By and large, each one of the Words of the Decalogue is typical of a whole category and was probably selected for its cardinal and representative character. Taken together, and making due allowance for later editing, the Words which are found in the three codes constitute the original Torah of Moses.

These Words are not the product of the prophetic movement of the eighth to sixth century. They are very old. They are of Mosaic origin.

It is noteworthy that the group of laws upon which the most solemn emphasis is placed in the Pentateuch, and which scholars now believe to be the oldest and the most "Hebraic" in character, laws whose violation is punished either by death or by the execration of the entire community or such practices as are condemned as "abomination," are almost entirely *ethical*, not ritual or juridical in character. In many instances they are ethical laws of the highest order. The Words are the very fountainhead of Yahvism. They are the seed and not the harvest.

Do these Words represent the *ipsissima verba* of Moses himself? Specifically, in every instance, No; substantially, Yes. They represent the body of his teachings as variously reported, phrased, and paraphrased by later generations. Undoubtedly they were expanded and elaborated upon by subsequent editors who filled in and "modernized" them to make them more directly relevant to their own times, but not to the distortion of what was substantive and intrinsic in the original Torah. Their distinctive and essential constitution is readily apparent.

It is quite possible, but not certain, that Moses himself wrote down the Words which constituted his Torah. Writing was a highly developed art in his day, not alone in Egypt but throughout the Near East. The Bible is clear on the point that Moses did himself write. When an important matter had to be recorded as a memorial for future generations, Moses was instructed to write it down. In the case of Israel's enemy, Amalek, YHVH said to Moses: "Write this as a memorial in a book and recite it in the ears of Joshua, that I will utterly blot out the remembrance of Amalek from under heaven" (Exod. 17:14). When the people made their way through the wilderness after they left Egypt, "Moses wrote down their starting places, stage by stage, by command of YHVH" (Num. 33:2). Whatever YHVH commanded him at Sinai, referring both to the "Words" and to all the statutes, Moses wrote (Exod. 24:4). "And Moses wrote this law [Torah]," declares the Deuteronomist and, "When Moses had finished writing the words of this law [the Torah] in a book, to the very end," he had it placed by the side of the Ark of the Covenant (Deut. 31:9, 24-26). This book is referred to as the Book of the Covenant (*Sefer Ha-Brit*), which Moses had read in the hearing of the people (Exod. 24:7). Originally a *Sefer* was a clay or stone tablet with writing incised.<sup>2</sup> It was not unusual for

<sup>1</sup> Cf. Isa. 30:8: "incise it on a [Sefer]."

prophets and other religious leaders in ancient Israel to write down their prophecies or the history of their times and their people.

The Book of Chronicles makes mention of the fact that "the acts of King David, from first to last, are written in the Chronicles of Samuel the seer, and in the Chronicles of Nathan the prophet, and in the Chronicles of Gad the seer, with accounts of all his rule and his might and of the circumstances that came upon him and upon Israel, and upon all the kingdoms of the countries" (1 Chron. 29:29-30). Elsewhere the Chronicles of Shemaiah, the prophet, and of Iddo, the seer, are mentioned. They recorded the acts of King Rehoboam (2 Chron. 12:15). The prophet Nathan's Chronicles as well as those of Iddo the seer also covered the reign of King Solomon, as did the Chronicles of Ahijah, the Shilonite (2 Chron. 9:29).

A considerable literary activity seems to have set in in Israel in the eleventh century, at about the time of the founding of the monarchy. Prophets and seers began collecting and reducing to writing the records of their people, its history, its laws, and its songs. Some



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of these undoubtedly derived from earlier written or oral sources. The people of Israel demonstrated very early a remarkable gift for writing history and religious literature, a gift almost unique in the ancient world. The histories which were written were not purely objective and secular. They were more in the nature of *midrashim*, commentaries on history, to point up the moral causes and consequences of what transpired, but they nevertheless contained the hard core of facts.

Not all the records of these priests and prophets were, however, placed in the Sanctuary for keeping. Only the basic laws or codes of law which represented the conditions of the people's Covenant with YHVH, and which possessed divine authority, were placed in the Sanctuary. The covenant which Joshua made with the people was written into the Book of the Law of God and placed in the sanctuary of Shechem (Josh. 24:25-26). It is likely that the later covenants which were made by Asa, Joash, Hezekiah and Josiah, and the commitments which they entailed, were likewise deposited in the Temple of Jerusalem. It was while the Temple was being repaired that the Book of the Law was discovered in the reign of Josiah by Hilkiah the High Priest (2 Kings 22:8). The writings of Moses—his original Torah—were, of course, kept in the Sanctuary. So were those of another Man of God, Samuel.

Of Samuel, it is recorded that "Samuel told the people the rights and duties of the kingship; and he wrote them in a book and laid it up before YHVH" (1 Sam. 10:25) presumably somewhere in the Sanctuary, in or near the Ark. Samuel, who reluctantly sanctioned the monarchy, evidently possessed the authority to define an ordinance which covered the rights and duties of kingship and then have it placed in written form for permanent safekeeping in the Sanctuary. The Book of Deuteronomy (17:14-20) defines these rights and duties but ascribes them to Moses. It would seem more logical to assume that it was Samuel, the spiritual architect of the monarchy, who was the author of this "royal law" in Israel.

If Moses himself wrote down his Words, the original copy of them, in the very nature of things, might not have lasted very long. It was probably transcribed many times through the centuries and various versions of it came into existence.

It is more likely, however, that Moses himself did not write down the Words. They were handed down by him by word of mouth and they were transmitted as an oral tradition for a considerable time before they were written down. This would more readily account for the many variations which we find.

The Pentateuch itself draws a sharp distinction between the Words and all other commandments, statutes, and ordinances. The former were duties and obligations which were announced by YHVH himself, in the hearing of all the people, and which became binding upon them for all times and in all places. They formed the basis of the Covenant with Israel. They made of Israel YHVH's people. The other laws, statutes, and ordinances were intended for the people after they entered Canaan. According to the later tradition, they too were given by Moses to the people at the command of YHVH. "And he declared to you his covenant, which he commanded you to perform, that is, the ten words; and he wrote them upon two tables of stone. And YHVH commanded me at that time to teach you statutes and ordinances, which you should do *in the land which you are going over to possess*" (Deut. 4:13-14).

These statutes and ordinances reflect the social, economic, and political conditions of life in Canaan considerably later than the time of Moses. Many of them developed out of the needs and experiences of the people in the course of their settled agricultural and urban life. Some of them are paralleled in older codes of law which were current in the Semitic world. There are laws which were enacted for a highly organized priesthood and an elaborate cult which did not exist in the wilderness in Moses' day and which were in clear opposition to his teachings.

There is no reason to assume, of course, that during the years of wandering in the wilderness, and at Kadesh-Barnea, where the people encamped for a long time, some people did not come to Moses with their problems, and that Moses did not render an opinion or give a decision. In fact, to judge from the biblical account, they came to Moses in very large numbers "to inquire of God; when they have a dispute, they come to me and I decide between a man and his neighbor, and I make them know the statutes of God and his decisions" (Exod. 18:15). There was danger of Moses wearing himself out physically, and also the people who had "to stand about from morning till evening." Jethro, his father-in-law, advised Moses to select able men from among the people to assist him (Exod. 18:14-23).

The Bible insists that *all* the laws which are found in the Codes were given to Moses by YHVH (Exod. 21:1; 24:3; 24:12; Deut. 5:23-31). They would have been given directly to the people in the same way and on the same day as the Words were given amidst thunder and lightning, but the people were "afraid and trembled and stood afar off, and said to Moses, 'You speak to us, and we will hear; but let not God speak to us, lest we die'" (Exod. 20:18-19).

Deuteronomy is even more explicit. Following the giving of the Words, the heads of the tribes and the elders came near to Moses and said: "For this great fire will consume us; if we hear the voice of YHVH our God any more, we shall die. . . . Go near, and hear *all* that YHVH our God will say; and speak to us *all* that YHVE our God will speak to you; and we will hear and do it." YHVE was pleased. "They have rightly said *all* that they have spoken. . . . you, [Moses] stand here by me, and I will tell you *all* the commandments and the statutes and the ordinances which you shall teach them. . . ." (Deut. 5:23-31).

According to Deuteronomy, Moses commanded the people that on the day they pass over the Jordan they should set up large stones on Mount Ebal and plaster them with plaster and write upon them *all* the words of the Torah very plainly, and build an altar there (Deut. 27:2-8).

It is clear that in the course of time all laws came to be connected with and superimposed upon the original Words. They came to possess the same authority and to claim the same divine sanction.<sup>1</sup>

<sup>1</sup> Still later, the Pharisaic doctrine came to be accepted in normative Judaism that not only all the laws of the Torah but also all the legal interpretations which were evolved and accepted by the rabbis were given to Moses at Sinai (Sifra, on Lev. 26:46).

But the prophets, when they spoke of the Torah of Moses, or the Torah of YHVH, clearly had in mind not the statutes and ordinances, the customary and ritual laws, but only the Words, the universal moral laws of the original Torah which formed the basis of the Covenant.

It is extremely doubtful whether in their present forms (Exodus 20 and Deuteronomy 5; the Nash Papyrus, the oldest manuscript of the Decalogue, has still a third version) the Decalogue constituted the actual Words of the original Torah. Had the original Torah of Moses contained the declaration that YHVH visits "the iniquity of the fathers upon the children to the third and fourth generation" (Exod. 20:5; Deut. 5:9; see also Exod. 34:7), the

prophets would not have dared to challenge it. When Jeremiah declared: "In those days they shall no longer say: 'The fathers have eaten sour grapes, and the children's teeth are set on edge.' But every one shall die for his own sin" (Jer. 31:29-30), he was challenging a popularly held belief which he regarded as *false*. It was not sanctioned in the original Torah. Ezekiel too, who further elaborated upon the doctrine of individual responsibility, presented it not as a new doctrine, but in refutation of a false doctrine which had gained currency among the people as a result of the widespread despair consequent upon national defeat and exile. "What do you mean by repeating this *proverb* concerning the land of Israel, 'The fathers have eaten sour grapes, and the children's teeth are set on edge'? As I live, says the Lord God, this *proverb* shall no more be used by you in Israel. Behold, all souls are Mine; . . . the soul that sins shall die" (Ezek. 18:2-4). What our present Decalogue, therefore, declares about YHVH—that He visit the sins of the fathers upon the children—was evidently not *dabar*, not *Torah*, but just *masal*, a popular and erroneous *proverb*.

The Decalogue in its *present* form (or forms) was probably unknown to Jeremiah and Ezekiel. It may well be that the second half of the second Word which speaks of visiting the sins of the fathers upon the children was a later addition.<sup>4</sup> This may be true also of

<sup>4</sup>The formula, "He visits the iniquity of the fathers upon the children to the third and the fourth generation" occurs twice—in Exod. 34:7 and Num. 14:18. With the qualifying clause, "of those who hate Me, but showing steadfast love to the thousandth generation of those who love Me and keep My commandments," it appears in both the Decalogues. It is clearly not part of the so-called Thirteen Attributes of YHVH which are enumerated in Exod. 34:7. Actually, only nine attributes are enumerated. The prophet Micah paraphrases them in 7:18-20 and sets their origin in earliest times: "as thou hast sworn to our fathers from the days of old."

They are all attributes of mercy, as Maimonides pointed out (*Guide to the Perplexed*, I, 54). What follows the enumeration of attributes—"but who will by no means clear the guilty, visiting the iniquity of the fathers upon the children"—is a later addition. Such a statement is clearly incongruous in the context of the appeals which are addressed to YHVH to *forgive* the sins of the people which they committed in the making of the Golden Calf (Exod. 32-34) and in conspiring to return to Egypt after they heard the report of the twelve who were sent to spy out the land of Canaan (Num. 13-14).

The qualifying clause which is found in the Decalogues is a softening of the formula which, as we have suggested, had gained currency among the people during the catastrophic years of spiritual confusion of the sixth century. The two conflicting explanations which are given for the institution of the Sabbath found in the fourth Word of the two Decalogues. The Deuteronomistic explanation, to recall the Exodus, probably belongs to the North, and is the older version. It is difficult to determine when and by whom these editorial additions were made, but they are clearly not part of the original Torah.<sup>5</sup>

<sup>5</sup>It has been argued that the Decalogue could not be assigned to the time of Moses because the explanatory comment of the fourth commandment presupposes a people "who make use of oxen for the labor of the fields, who possess houses, gates, which imply walled cities, and hence a settled community, whose principal means of subsistence is agriculture" (Acolphe Lods, *Israel*, 1922, Appendix, p. 315). The explanatory comment may of course be a later addition. But it should also be remembered that Moses was addressing himself to men who had recently come out of Egypt where there certainly were oxen and houses and gates and settled communities. These men had no intention of remaining permanently in the Sinai wilderness but were on their way to establish settled communities in Canaan. Moses could not anticipate all their legislative needs once they settled in Canaan, but he certainly could legislate a weekly day of rest from all labor. Professor Lods also contends that since the Decalogue is wholly occupied with moral and social responsibilities, it could not be earlier than the eighth and seventh centuries, since "we have no proof that such an attitude was ever characteristic of early Israel" (p. 316). But that precisely was what was revolutionary in the doctrines which Moses brought to early Israel. It was not early Israel which originated them, but Moses. He called upon Israel to accept them.

It is doubtful too whether these Ten Words were actually inscribed upon the two tables of stone which were kept in the Ark in the Tent in the wilderness and which were later carried by the people on all its journeys until they were given a permanent resting place in the Temple in Jerusalem. It is true that there was a widespread practice in the ancient world to have transcripts of codes of law made on stone, steles, or tablets. But the pre-exilic prophets make no mention of two tables of stone upon which the Words were written. The prophet Jeremiah is aware of the Ark of the Covenant of YHVH in the Temple, of which the people spoke with great reverence, but he does not say what it contained.

The account in 1 Kings 8:9 reads: "There was nothing in the ark except the two tables of stone which Moses put there at Horeb, where YHVH made a covenant with the people of Israel, when they came out of the land of Egypt." It is not stated what was written on these stones or whether anything was written.

In the wilderness, the people probably carried with them a simple portable Ark of YHVH.<sup>6</sup> Such sacred portable tents were pos-

אָרֶן יְהוָה אָרֶן הָאֱלֹהִים אָרֶן בְּרִית יְהוָה אָרֶן הַקֹּדֶשׁ  
sessed by early nomadic Arab tribes before the days of Islam. These tents represented for them the actual presence of the deity. Such arks, or boats, or tents were also carried processionally in Egypt on the occasion of religious ceremonies. Portable shrines also accompanied the Assyrian kings on their military campaigns.<sup>7</sup> In Israel

<sup>7</sup>See *Views of the Biblical World*, II (New York, 1960), p. 295.  
the Ark was taken into battle, or went before the people to guide them on to their destination. Whenever the Ark set out, an invocation was recited: "Arise, O YHVH, and let thy enemies be scattered; and let them that hate thee flee before thee," and when it rested, the prayer was uttered: "Return, O YHVH to the ten thousand thousands of Israel" (Num. 10:33-36).

In the Ark there may have been deposited the testimonial stone which was the witness to the Covenant that had been made between God and the people at Sinai. It was a common practice throughout the ancient world to set up a stone, a stele, or a slab to indicate that a covenant had been made or that an important event had taken place at a given locality. In just such a manner did Jacob mark his covenant with Laban. "So Jacob took a stone, and set it up as a pillar" (Gen. 31:45). The pillar then became the token and the witness to the pact (Gen. 31:52). Inasmuch as Moses and the people were on their way to Canaan, the commemorative stone of their Covenant could not be erected in the wilderness, from which they were moving away. It was accordingly placed in the Ark and carried along with them on their journeys up to the time of the crossing of the Jordan (Josh. 3:1) and the fall of Jericho (Josh. 6:4-11). The people would thus always be reminded of their duties under the Covenant, their new status as the people of YHVH, and of YHVH, their Redeemer and Protector who was with them.

The next we hear of the Ark is at Bethel (Judg. 20:27) and then at Shiloh (1 Sam. 4:3). It has been suggested that the Ark may have been previously located for a time at Shechem, where Joshua made a covenant with all the tribes of Israel (Josh. 24). The text, however, does not mention the fact of its presence.<sup>8</sup> Subsequently,

<sup>8</sup>See M. Noth, *The History of Israel* (1958), pp. 93-95.  
the Ark was moved to Kiriath-Jearim, then to the house of Obed-edom, the Gittite, then to the City of David and finally to the inner sanctuary in the Temple which King Solomon built (1 Kings 8:6). There it was placed under the wings of the cherubim (*ibid.*) so that the cherubim made a covering above it (2 Chron. 5:8). This cherubim-cover above the Ark became the seat of divine revelations. "And there I will meet with you, and I will speak with you from above the Ark-cover, from between the two cherubim which are



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over the Ark of the Testimony, of all things which I will give you  
in commandment for the people of Israel" (Exod. 25:22).

Whether the testimonial stone which may have been placed in  
the Ark carried any writing upon it is difficult to say. Many com-  
memorative stones in ancient times did. The narratives in Exodus  
and Deuteronomy speak of two tables of stone variously called  
the "tables of the testimony," and the "tables of the covenant" upon  
which YHVH, or Moses at the command of YHVH, had in-  
scribed the Ten Words. The inscription, according to Exod.  
32:15-16, was graven on both sides of the tables of stone.

The prophet Jeremiah is not at all happy about the presence of  
the Ark in the Temple. It does not symbolize for him the presence  
of YHVH. Some day it will disappear and will not be missed. "And  
I will give you shepherds after my own heart, who will feed you  
with knowledge and understanding. And when you have multi-  
plied and increased in the land, in those days, says the Lord, they  
shall no more say, 'The ark of the covenant of YHVH.' It shall  
not come to mind, or be remembered, or missed; it shall not be  
made again" (Jer. 3:15-16).

Neither the Ark nor the tables of stone nor the cherubim were  
in the Second Temple. They had disappeared and they were no  
longer needed or missed. In the prayer of Ezra (Neh. 9), wherein  
the whole past history of Israel from Abraham down to his day  
is recapitulated, the event at Sinai is, of course, recalled but no  
mention is made of the Ten Words or the tables of stone, or the  
Ark in which they were deposited; simply: "Thou didst come  
down upon Mount Sinai, and speak with them from heaven and  
give them right ordinances and true *Torot*, good statutes and  
commandments . . ." (Neh. 9:13).

## 8

### The Three Codes

There are three codes of laws found in the Pentateuch: the Book  
of the Covenant (Exod. 20-23), the so-called Holiness Code  
(Lev. 19-26), and the Deuteronomic Code (Deut. 5-28). There  
are laws found elsewhere in the Pentateuch. They were excerpted  
from these codes or from the original sources upon which the codes  
themselves drew and for a variety of reasons were placed where  
they are.<sup>1</sup>

<sup>1</sup> In this connection it is of interest to note the statement of R. Yudan (fourth  
century), quoting R. Simcon b. Yohai (second century): "Moses our Teacher  
gave us in writing three sections [*Parshiot*] in the Torah, each comprising sixty  
commandments. They are the sections dealing with the Passover [Exod. 12:1 ff.],  
the section dealing with damages [Exod. 21:1 ff.] and the section dealing with  
holiness" [Lev. 19:1 ff.] (Lev. Rabba 24:5).

The Little Book of the Covenant, for example, which is found  
in Exodus 34, is such a partial, special-purpose extract of ritual  
prescriptions. It might well be that its compiler regarded the ten  
commandments which it contained as the very Words which were  
inscribed on the Tables which Moses received from YHVH (Exod.  
34:28). Its prescriptions are found elsewhere in Exodus 13 and 23.

The Ten Words which are included in the two codes—the  
Covenant and Deuteronomic—are themselves a category of ex-  
cerpted Words, a selection. There are other Words which are  
found elsewhere in the codes. It was a common practice to make  
short "excerpt" or "epitome" codes out of the larger codes for  
special purposes.<sup>2</sup>

<sup>2</sup> See *Ancient Near Eastern Texts* ed. J. B. Pritchard (1960), p. 159.

The laws which are found in Leviticus 18, which, with one  
single exception (v. 21), constitute a list of twelve unlawful mar-  
riages, incest, and sexual offenses, also represent a special-purpose  
excerpt code. These laws are repeated substantially in the Holiness  
Code (Leviticus 20).

So also is the special Sabbath law (Exod. 35:23) which pre-  
scribes the death penalty for the Sabbath violator and ordains  
that no fire shall be kindled on the Sabbath day. This is placed so  
that it follows the Sabbath ordinance which is contained in the  
Little Book of the Covenant (Exod. 34:21).

There are also laws which are included in the larger collections,  
but which are repeated and elaborated upon elsewhere, such as  
the proper observance of Passover, the Paschal lamb and unleavened  
bread (Exod. 12), and the consecration of the first-born of men  
and beasts (Exod. 13). Because the enactment of these laws is  
traced back to and is linked up with the Exodus, they are placed  
in their proper setting in the Exodus narrative.

The term "code" when applied to these three collections of  
laws should not be taken too literally. They are not codes in the  
strict sense of the term. The laws which they contain are, in the  
main, not systematically arranged according to subject matter.  
Interspersed among them are exhortations and adjurations, and  
in the Deuteronomic Code there are sundry speeches attributed  
to Moses, a literary device which was common among ancient  
writers. These codes were handbooks of instruction in doctrine and  
practice for the people in all the ways which are acceptable or  
abhorrent to YHVH, rather than lawbooks for jurist and magis-  
trate, although here and there sections of the codes seem to be  
directed specifically to them. These codes apparently were at first  
compiled at various religious centers or shrines at different times  
by unknown hands from older sources, before they received their  
final authoritative acceptance. Many of the laws were operative  
long before they were codified, and when they were codified they  
were not at first formally promulgated.

In their composition, the three codes follow an identical pattern.  
They begin with a general preamble which states the object and  
intent of the code. Then follow the divine Words, major religious  
and ethical precepts, oracularly delivered, a sort of matrix for all  
that is to follow. They are the nuclei of the codes and their  
oldest sections and they constitute the basis of the Covenant which  
YHVH made with Israel at Sinai (Exod. 34:28 Deut. 4:13).  
Then comes the actual corpus of law, a series of commandments,  
statutes, and ordinances of greater or lesser bulk. Some of these  
laws are grouped together in special categories, such as the cate-  
gorical laws all ending in "he shall surely be put to death," which  
are found in Exodus 21 and Leviticus 20 and 24. Those apodictic  
laws probably belong to the oldest stratum of the codes. The codes  
conclude with an epilogue, a peroration promising blessings for  
compliance and punishment for disobedience.

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The introduction to the *Covenant Code* is Exod. 19:1–25. The Words are found largely, though not exclusively, in Exod. 20:1–14. The corpus of the laws is Exod. 21:1–23:5 and the Blessings and Curses are to be found in Exod. 23:20–33.

The introduction to the *Holiness Code* is Lev. 18:1–5. The Words are in Lev. 19:1–18, 26–37. The corpus of the laws is Lev. 20:1–26:2. The Blessings and Curses are in Lev. 26:3–46.

The actual introduction to the *Deuteronomistic Code* is Deut. 5:1–5. It follows an historical preamble in chapters 1–3 and an exhortation in chapter 4:1–40. The Words are in Deut. 5:6–18. The corpus of the laws is in Deuteronomy 12–26 and the Blessings and Curses in chapters 27–28. As part of the epilogue, Deuteronomy 27 contains a ritual of public anathemas, ten or twelve in number, which were to be recited on Mount Ebal, imprecations which were invoked upon those who did not obey certain laws—all introduced by the words “cursed be.” These laws are found elsewhere in the Deuteronomistic Code and especially in the Holiness Code (Leviticus 19 and 20) and they are grouped together because in the main they refer to secret offenses which may escape human jurisdiction but cannot escape divine punishment.<sup>3</sup>

<sup>3</sup> See *ad loc.* Ibn Ezra and the Rashbam.

This pattern, while unmistakable, is occasionally obscured by later editing. Extraneous material is introduced here and there and it is necessary at times to bring together what has been scattered; but it is not too difficult to disentangle what had been plaited together.

## 9

### The General Content of the Codes

The statutes and ordinances of the three codes reflect, of course, the political, economic, and social conditions of the periods in which they were compiled and the special interest of their final compilers. All three are pre-exilic, though they may have received some supplementation and editing at the hands of early postexilic compilers or scribes. In the main, they parallel one another and the same laws, though not always in the same words, are found in all three. Thus, for example, the ordinances concerning the three annual pilgrimages are found in all three codes, although only the Holiness Code specifies the exact day and month of each. The Sabbatical Year (*Shemīṭah*) too is found in all three, although the Deuteronomistic Code mentions the release of debts in the seventh year, but not the solemn rest of the land. Common to all three codes are the prohibition of taking interest, the establishment of places of asylum for the unintentional slayer, and some other laws. But there are some laws which are included in one code and not in another and there exist differences both in substance and in emphasis.

An example in case is the law on prophets. Neither the Covenant Code nor the Holiness Code has anything to say on the subject, whereas the Deuteronomistic Code devotes considerable space to it. Immediately following the major provision for a central and exclusive sanctuary (Deuteronomy 12) come the instructions concerning the prophet (chapter 13).

A controversy had long raged in Israel between the true and the false prophets—those who championed pure Mosaic Yahvism and those who were tainted with Baalism—and reflected the differences which existed between the religious leaders of the people who had assimilated themselves in some manner to the life and adopted some of the religious practices of the inhabitants of Canaan and approved of such an assimilation, and those who were violently opposed to it. The struggle seems to have begun early and gained in intensity in the ninth century, when the battle against religious syncretism was joined in earnest both in the North and in the South. The prophet Elijah (ninth century) was the leader in the struggle in the North. He strove to check the spread of Baalism which was being vigorously promoted by King Ahab's Phoenician wife, Jezebel, and her army of Baal priests and prophets. In the South, Jehoiada, the priest, led the revolt against Athaliah, daughter of Jezebel, who was also sponsoring Baal worship in Judah. The struggle continued through the succeeding centuries and every true prophet of YHWH attacked the false prophets. It was still a stormy issue in the days of the Josiahnic reformation. Witness the frequency and intensity of the denunciations of Jeremiah, a contemporary, against “the prophets [who] are prophesying lies in my name; I did not send them, nor did I command them or speak to them. They are prophesying to you a lying vision, worthless divination, and the deceit of their own minds” (Jer. 14:13–14, *et al.*). Not long thereafter, we find Ezekiel denouncing the prophets who “have uttered delusions and seen lies” and misled the people (13:8).

But in the postexilic days when the final compilation of the Holiness Code took place, probably in Babylon, the issue was no longer vital. Idolatry and worship of other gods were no longer a present danger to the monotheistic faith of the people of Judah. They were now outside Judah's gravitational field. The exile had banished them out of the life of the people. A prophet was not likely to arise again who would urge the people to worship alien gods or bow down to idols. The prevailing religion of the kings of Persia, of which Palestine was now a province, Zoroastrianism, close approached monotheism, and was strongly opposed to image-worship. It would not be congenial to any such prophetic adventure in apostasy.

Furthermore, the very institution of prophet had by now seriously lapsed among the Judeans. The great religious exhorter and reformer of the fifth century, Ezra, is not called a prophet in the Bible, but a “scribe,” a *Sofer*. The word of the Lord did not come to him! He read, interpreted, and copied the Torah for the people. The later rabbis maintained that prophecy actually ceased in Israel with the prophets Haggai, Zechariah, and Malachi, who lived in the latter part of the sixth century, soon after the return from the Babylonian Exile.

Hence, there is no legislation on prophets in the Holiness Code.

Nor is there in the Covenant Code, because at the time of its compilation, (tenth to ninth century B.C.E.) the issue had not yet been sharply drawn.

The institution of “prophet” (*Nabi*) as such, and by that name, and of “bands of prophets” (*Hebel Nebiim* or *Lahakat Nebiim*),



29—SILVER—Moses and the Original Torah—11x12x25 Bask, seems to have made its appearance in Israel after the establishment of the monarchy, although seers and soothsayers existed from earliest times. During the period of the Judges, which lasted over two hundred years, we have no record of any prophet. There is one reference in the Book of Judges (6:8) to an anonymous prophet. Deborah is referred to as prophetess (Judg. 4:4). It is likely, however, that these are the appellatives of a later time which are here predated. Samuel, who presided at the founding of the monarchy and anointed the first king of Israel, is called *Nabi* but the writer takes pains to point out that "he who is now called a prophet [*Nabi*] was formerly called a seer [*Ro'eh*]," (1 Sam. 9:9). Moses is seldom referred to as *Nabi*. He is called the "Man of God" or the "Servant of YHWH." In only one late instance (Deut. 34:10) does the Pentateuch appear to class him with prophets, but even there the purpose is clearly to point out the difference between him and the other prophets: "And there has not arisen a prophet since in Israel like Moses, whom YHWH knew face to face." The contrast is even more sharply drawn in (Num. 12:1-8): "Hear my words: if there is a prophet among you, I, YHWH, make myself known to him in a vision, I speak with him in a dream. Not so with my servant Moses; . . . with him I speak mouth to mouth, clearly, and not in dark speech: . . .

It is quite likely that the institution of *Nabi* is of non-Israelitish origin. The noun *Nabi* is probably a loan-word of non-Semitic origin. The rather obscure narrative in chapter 10 of 1 Samuel may, in this connection, be instructive. Saul meets up with a "band of prophets" at Gibeah-elohim "where there was a garrison of the Philistines." The Philistines were noted for their preeminence in divination, sorcery, and magic. Isaiah chides his people "because they are full of diviners from the east and of soothsayers like the Philistines" (Isa. 2:6; see also 1 Sam. 6:2, 2 Kings 1-2). Saul meets a company of such dervishes "coming down from the high place with harp, tambourine, flute, and lyre before them, engaged in prophesying." Infected by their frenzy, Saul played the prophet in the midst of them. The people who saw him said to one another: "What has come over the son of Kish? Is Saul also among the prophets?" And a man of the place answered, "And who is their father?" This ambiguous phrase seems to suggest that the band of prophets belonged to another people, and the speaker expressed amazement that Saul would associate himself with them. The fact prophesied in the midst of a company of alien prophets should not be surprising. In the story of Balaam (Num. 22-24), it is a non-Israelite prophet from Upper Euphrates, who was hired by Balak, king of Moab, to curse Israel, upon whom "the spirit of the Lord" descended (Num. 24:2). Because a man belonged to an alien race or people did not automatically disqualify him from being a prophet in the eyes of the people. The heathen also produced prophets.

The institution of "guilds of prophets" who were attached to a sanctuary, and were presided over by a superior, was copied by the Israelites from the indigenous population some time after they settled in Palestine.<sup>1</sup> It had been an essential feature of the religion

<sup>1</sup> This was already pointed out by Kuenen (*De Profeten*, II, 227 f.) and later by Wellhausen, W. R. Harper, and others.

of Canaan and Phoenicia from time immemorial. The Philistines in all probability brought it with them from their original homeland in the Greek world, from Crete or Asia Minor, where sacred temples, notably those of Apollo and Dionysus had such associations of ecstatic prophets connected with them.

It is from the time of the Philistines and onward that we find that "the spirit of the Lord" descended upon Saul so that he many Greek-Philistine-Canaanite prophetic features among the Hebrew prophets. Especially are they in evidence in the Elijah-Elisha periscope in the Book of Kings.

The god of prophecy among the Greeks was Apollo, a complex deity of many functions, who may have had his origin in Asia Minor, where many shrines were dedicated to him.<sup>2</sup> He was en-

<sup>2</sup> But see Robert Daniel Miller, *The Origin and Original Nature of Apollo*, Philadelphia, 1932.

dowed not only with the power of prophecy, but also with that of healing. He was sometimes called "Iatromantis"—healer and seer. Asclepius was his son (i.e. of similar functions) who inherited his father's healing art and was able to restore the dead to life. Apollo was also the god of music, and music was frequently the accompaniment of prophecy. The lyre was his special instrument. Orpheus was his son, who received from his father the lyre and the gift of music. Apollo came also to be known as the sun-god, Phoebus-Apollo, who rode in a fiery chariot drawn by fiery horses. Phaeton, his son, was given permission by his father to drive the sun-chariot across the sky. Apollo was born under a palm tree and that tree was sacred to him. The raven was associated with him, as a symbol of his role as prophet. The bow and arrow, too, were associated with him. He is "the god of the silver bow." He was long of hair, a characteristic feature of Apollo. He is frequently represented as carrying a mantle—the mantle of prophecy—generally around his shoulders, slung over his arm (the "Apollo Belvedere" in the Vatican) or dressed in a long loose tunic, fastened around the waist by a girdle, the chlamys (or scarf) fastened on the shoulders, and falling down the back in folds (the "Apollo Citharoedus" or "Musagetes," also in the Vatican). Apollo was preeminently identified with ritual lustrations. He was the god of purification. His island birthplace, Delos, was especially guarded to preserve its sacramental purity.

All these features one finds in the legends which are associated with the prophetic careers of Elijah and Elisha. They are not only prophets but healers. Moses and Samuel performed no healing miracles. Elijah and Elisha performed many, and in most instances miracles quite unrelated to their roles as champions of YHWH. Elisha required music, a minstrel to play the lyre, before the spirit of YHWH could come upon him (2 Kings 3:15). Before his time, prophets and seers required no musical overtures to their prophetic utterances. Elijah ascends to heaven by a whirlwind in a chariot of fire and horses of fire (2 Kings 2:11). No other prophet before Elijah ascended to heaven in a fiery chariot. In the case of the righteous Enoch, of whom tradition maintained that he, too, did not die a mortal's death, but was transported to heaven, there was no chariot of fire to transport him. The text simply states: "Enoch walked with God; and he was not, for God took him" (Gen. 5:24).

When Elijah fled from the wrath of Jezebel, he came to Beersheba, and from there, a day's journey, he came into the wilderness and sat down under a broom tree (עֵקֶב) where the angel of the Lord visited him and brought him food (1 Kings 19:4-5). We suggest that the word עֵקֶב (broom tree), should be read, by a transposition of letters, עֵקֶב—a palm tree—the tree sacred to prophecy. In Judges 4:4 we read that "Deborah a prophetess, . . . used to sit under the palm [tree] of Deborah" between Ramah

<sup>3</sup> עֵקֶב-דִּבְרָה, Deborah's palm tree.

and Bethel in the hill country of Ephraim; and the people of Israel came up to her for judgment."

In his hiding place by the brook Cherith, Elijah is fed by the ravens. "I have commanded the ravens to feed you there" (1 Kings 17:4-6). Elijah, it is pointed out, was a hairy man (2 Kings 1:8), and he carried a mantle with him אֵלֶּיךָ other than the girdle this mantle of prophecy,<sup>4</sup> he performed miracles. It is this mantle or leather which he wore about his loins (אֵלֶּיךָ שָׂרָר). With which he let fall when he ascended to heaven, and it was picked up by Elisha who, in turn, proceeded to perform miracles with it (2 Kings 2:8-15).

The prophet Elisha divines by means of the bow and arrow (2 Kings 13:15-19). He sends a message to Naaman, commander of the king of Syria, who was a leper, and tells him to "go and wash in [the sacred waters of] the Jordan seven times, and your flesh shall be restored, and you shall be clean" (2 Kings 5:10). He also purifies and "heals" the waters of the spring near Jericho (2 Kings 2:19-22), and purifies the food of the prophetic fraternity from its taint of poison and death (2 Kings 4:38-41).

The strange story recorded in 2 Kings 2:23-24, of the small boys who came out of the city and jeered at Elisha, saying, "Go up, you baldhead! Go up, you baldhead!" whereupon Elisha cursed them in the name of the Lord and two she-bears came out of the woods and tore forty-two of the boys, perhaps also derives from some myth connected with Apollo who, among other names, had also the title "Kaurotrophos" (rearer of boys), or Artemis, one of whose symbols was the bear. Artemis was closely associated with Apollo. They were twins, i.e., they originally possessed identical functions. She was easily angered and would send a bear to punish those who refused to honor her. Artemis and Apollo slew the numerous children of Niobe for having slighted their mother, Leto.

Artemis was also the goddess who prevented sterility. The Shunammite woman, who had no sons and whose husband was old, received the promise from Elisha: "At this season, when the time comes round, you shall embrace a son" (2 Kings 4:11-17).

One should not press the parallels too closely, but the Apollo-Artemis myths do seem to shed some light on many of the legends which are recorded in the Bible about Elijah and Elisha.

Prior to their entrance into Canaan and the confederation of the tribes, the Israelites possessed no organized priesthood and no guilds of prophets.<sup>5</sup> Israelitish guilds of prophets made their appear-

<sup>4</sup> Professor Pedersen points out that this was true also of the Arabs, whose lack of national unity prevented the forming of great priesthoods and associations of prophets attached to a sanctuary (John Pedersen, "The Role Played by Inspired Persons Among the Israelites and the Arabs," in *Studies on Old Testament Prophecy*, Volume presented to Professor T. H. Robinson, 1950, p. 139).

ance subsequent to the establishment of the monarchy and grew in number and acceptability in the succeeding centuries.<sup>6</sup>

Ahab inquires from a company of about four hundred prophets

<sup>5</sup> A late "modernized" version of the Saul episode tells of a company of prophets at Naioth in Ramah, with Samuel "standing as head over them" (1 Sam. 19:18-24).

the Saul episode tells of a company of prophets at Naioth in Ramah, with Samuel "standing as head over them" (2 Sam. 19:18-24). Ahab inquires from a company of about four hundred prophets whether he should go to battle against Ramoth-gilead (1 Kings 22:6). Elisha, unlike his master-Elijah, was leader of such a company of prophets who were under his charge.

In later times when the institution of prophetic guilds, borrowed from the Canaanites or Philistines, had been fully harmonized with the cult of YHWH, it was given a Mosaic origin. These guilds had their headquarters at some sacred shrine and as in the case of Elisha, were presided over by a chief. Moses himself, it was held, gathered at the Tent of Meeting in the wilderness where the presence of YHWH revealed itself, "seventy men of the elders of the people, and placed them round about the tent. Then the Lord came down in the cloud and spoke to him, and took some of the spirit that was upon him, and put it upon the seventy elders; and when the spirit rested upon them, they prophesied without stopping."

When two members of the guild, Eldad and Medad, prophesied in the camp away from the Tent of Meeting, and Joshua called upon Moses to forbid them, Moses replied: "Would that all the people of YHWH were prophets, that YHWH would put his spirit upon them" (Num. 11:24-29).

But the acceptance of the institution of *Nabi* in Israel was late and the Deuteronomist suggests that it was finally sanctioned as a Yahvist-Israelite counterfoil to the long established Canaanitish institution. The people asked for it, even as they came to ask for a king to rule over them. Neither was part of the early social and religious tradition of the tribes upon their entrance into Canaan. The people were warned away from the diviner, the soothsayer, the augur, the sorcerer, the charmer, the medium, the wizard, and the necromancer. These were an abomination to YHWH, for "YHWH your God has not allowed you so to do." But "YHWH your God will raise up for you a prophet like me from among you, from your brethren. . . . just as you desired of YHWH your God at Horeb on the day of the Assembly, . . . And YHWH said to me, 'They have rightly said all that they have spoken. . . . and I will put my words in his mouth, and he shall speak to them all that I command him. . . . But the prophet who presumes to speak a word in my name which I have not commanded him to speak, or who speaks in the name of other gods, that same prophet shall die'" (Deut. 18:9-20).

The institution of *Nabi* is recognized but the prophet must be a Hebrew from among his own brethren, and he must speak only in the name of YHWH and in His behalf.

Not all the prophets of Israel were members of professional companies and belonged to an organized craft. Nathan, Ahijah, Michajah, Jehu, and Elijah stand out as strong personalities who move alone at the behest of their spiritual mission. "Ecstasies" such as characterized the hands of soothsayers, is never associated with them. The literary prophets refused to be classified with the guilds of prophets. Amos retorted angrily to Amaziah, the priest of Bethel: "I am no prophet, nor one of the sons of the prophets; but I am a herdsman, and a dresser of sycamore trees, and YHWH took me from following the flock, and YHWH said to me, 'Go, prophesy to my people Israel'" (Amos 7:10-15). The term "*Nabi*" came to have a wider connotation as time went on and was broadly incorporated into the speech of the people, but the content and the full implication of the term remained a matter of great controversy. Thus the prophet Jeremiah, who more than any other dwelt upon



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the true meaning of the term, drew a sharp distinction between prophet and prophet. "I have heard what the prophets have said who prophesy lies in my name, saying, 'I have dreamed, I have dreamed! . . .' Let the prophet who has a dream tell the dream, but let him who has my word speak my word faithfully. What has straw in common with wheat? . . ." (Jer. 23:25-28). The difference between the true and false prophet was not only a matter of *what* they prophesied but how they came by their prophecy.

The Holiness Code and the Covenant Code also have no laws regarding kings. The Covenant Code was compiled just prior to or in the early days of the monarchy, when the institution of royalty was still relatively new in Israel. The original Covenant Code may not even have contemplated the establishment of a monarchy in Israel. There was resistance to it, as evidenced by the attitude of Samuel. It was established under the pressure of fear caused by the invasion of the Philistines. The provisions for royalty which Samuel wrote down and which are also found in Deuteronomy did not find their way into the Covenant Code.

By the time the Holiness Code received its final compilation, royalty had long ceased in Israel. Judea was now a conquered province under Persian rule. Any talk of a Judean king would be regarded as treason. Even the rebuilding of the walls of Jerusalem was met on the part of the enemies of the returning exiles with the charge: "What is this thing that you are doing? Are you rebelling against the king?" (Neh. 2:19).

There are other laws which are found in one or another code but not in all three.

There are other laws which are found in one or another code (Lev. 18:21; 20:1-5) have sharp ordinances against the burning of children as sacrifices. The Covenant Code has no such ordinance for child-sacrifice had not yet been practiced among the Hebrews. The sacrifice of children, especially of the first-born, to Baal or Moloch was common practice among the Canaanites and other Semitic peoples. The Israelites, when they settled in Canaan, learned the practice from them. The Bible is clear on this point: "Take heed to yourself that you be not ensnared to follow them, . . . that you inquire not after their gods, saying: 'How used these nations to serve their gods? even so will I do likewise.' You shall not do so unto the Lord your God; for every abomination to the Lord, which He hates, have they done unto their gods; for even their sons and their daughters do they burn in the fire to their gods" (Deut. 12:30-31; see also 18:9-12). This is reflected also in the historical Psalm 106: "They . . . mingled themselves with the nations, and learned their works; and they served their idols, . . . they sacrificed their sons and their daughters unto demons, and shed innocent blood, even the blood of their sons and of their daughters, whom they sacrificed unto the idols of Canaan" (Ps. 106:35-38).

The worship of Moloch, to whom a temple was erected in Jerusalem as early as the days of King Solomon (1 Kings 11:7) became more general in the days of the later kings of Israel and Judah and it was not limited to the sacrifice of the kings' first-born (e.g. King Ahaz, 2 Kings 16:3 and King Manasseh, 2 Kings 21:6). The common people also shared in the practice. There was a special site appointed outside the walls of Jerusalem in the Valley of Hinnom, called Topheth, where these sacrifices were made. The prophets Jeremiah and Ezekiel bitterly denounced this abominable practice (Jer. 8:31; 19:5; 32:35; Ezek. 16:20; 23:32-39). Micah admonishes the people to remember that the sacrifice of children will not atone for one's sins against God: "Shall I give my first-born for my transgression, the fruit of my body for the sin of my soul?" (Micah 6:7). The fall of Samaria is attributed to its idolatries and to the fact that "they caused their sons and daughters to pass through the fire" (2 Kings 17:17). One of the principle acts of the reformation under Josiah was "to defile Topheth, which is in the valley of the son of Hinnom, that no man might make his son or his daughter to pass through the fire to Moloch" (2 Kings 23:10). The custom must have continued till the time of the Exile.

J. G. Frazer doubts that the Hebrews borrowed the custom from the Canaanites. "When we remember, however, that the Israelites were of the same Semitic stock as the population they conquered . . . and that the practice of human sacrifice is attested for many branches of the Semitic race, we shall, perhaps, incline to surmise that the chosen people may have brought with them into Palestine the seeds which afterwards sprang up and bore such ghastly fruit in the valley of Hinnom." <sup>7</sup> However, there is nothing to substantiate Frazer's surmise, and no evidence of such "seeds" are to be found in the records of nomadic Israel, or of Israel's life in Egypt.

The practice was Canaanitish. The Israelites adopted it as they adopted other cult practices connected with the Canaanite worship of Baal and Astarte.

It is for the same reason that only the later Deuteronomic Code and not the earlier Covenant Code contains an ordinance against sacred prostitution (Deut. 23:18-19; in R.S.V., 17-18). "There shall be no cult prostitute of the daughters of Israel, neither shall there be cult prostitute of the sons of Israel." This was a high universal practice associated with the fertility cults of ancient Canaan and of neighboring Phoenicia. It was practiced almost everywhere in western Asia where the fertility goddess under the name of Ashtoreth (Astarte), Anath, or Asherah was worshiped. It was never part of the worship of *El Elyon* or YHWH of the Hebrews who invaded Canaan. After they entered Palestine, the Hebrews in the course of time adopted some of the customs of the native peoples and their modes of worshiping their gods on the general principle (Deut. 12:30): "How used these nations to serve their gods? even so will I do likewise" so as to win the favor of the local tutelary deities. They did not abandon their own YHWH worship; they simply syncretized it with the rites of the local Baalism and Asherim.

This practice became quite general in Israel and Judah at about the same time as that of the sacrifice of children. From Amos down (Amos 2:7-8) we find violent denunciations of it among the spiritual leaders of the people who always characterized it as "alien," as having been introduced into Israel through foreign influence (1 Kings 16:31-32). "And Judah did what was evil in the sight of the Lord, . . . For they also built for themselves high places, and pillars, and Asherim on every high hill and under every green tree; and there were also male cult prostitutes in the land. They did according to all the abominations of the nations which the Lord drove out before the people of Israel" (1 Kings 14:22-24). King Asa, the third king of Judah (c. 913-873) put away the male cult prostitutes out of the land (1 Kings 15:12). In every instance the cult of Asherah is associated with foreigners. The four hundred prophets of Asherah who faced Elijah on Mount Carmel were those who ate at the table of Jezebel, the daughter of Ethbaal, king of the Sidonians, who worshiped Baal. She induced King Ahab to build an Asherah in Samaria, and persecuted the prophets of YHWH. It is a *Midia-*

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nite woman who tempted the Israelite into the *kubbeh* to perform the ritual act in the worship of the Baal of Peor. The zealous Phineas went after them into the chamber, and pierced both of them to death (Num. 25:6-8).

There is another law which is found in the Covenant and Deuteronomic Codes but not in the Holiness Code—the law concerning “cities of refuge.”

In these first two codes there are provisions for places of refuge to which an unintentional slayer might flee to escape the blood avenger. The shorter law is found in the Covenant Code: “Whoever strikes a man so that he dies shall be put to death. But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint for you a place to which he may flee” (Exod. 21:12-13). The place is not designated. The “place” may refer not to a city of refuge, but to the local shrine, where, at the altar, a man could find sanctuary. This probability is enforced by the following verse: “But if a man willfully attacks another to kill him treacherously, you shall take him from my altar, that he may die” (Exod. 21:14).

The Deuteronomic Code specifies that three cities of refuge should be set aside (they are unnamed) “so that any [innocent] manslayer can flee to them,” and if Israel’s borders will some day be enlarged, then three more cities are to be added (Deut. 19:1-10). An earlier chapter in Deuteronomy states that “Moses set apart three cities in the east beyond the Jordan that the manslayer might flee there, who kills his neighbor unintentionally”—and names the cities—Bezer in the territory of Reuben, Ramoth in the territory of Gad, and Golan in Manasseh (Deut. 4:41-43).

In Numbers 35:9-34, we have a fuller statement of the law. There shall be six cities of refuge, three cities in Canaan and three beyond the Jordan, to which any one Israelite, stranger or sojourner, who kills any person without intent, may flee. These cities are to be designated after the people cross the Jordan, and according to the Book of Joshua were so designated by Joshua (not Moses) (Josh. 20). The six cities are the three east of Jordan, named above, and Kadesh in Naphtali, Shechem in Ephraim, and Hebron in Judah.

The purpose of the law is clear. It was to mitigate the harshness of the primitive custom whereby the nearest of kin was duty-bound to become the avenger of blood, and to take a life for a life, regardless of the guilt or innocence of the slayer. Under the new law, an accidental slayer, when declared to be so by the authorities, could flee and find asylum in one of the cities of refuge and remain there, immune from retaliation, until the death of the High Priest. He was then free to return home and could not be endangered any more.

Customarily, a man could seek sanctuary in any local shrine. Thus Joab fled from the avenging wrath of King Solomon “to the tent of the Lord and caught hold of the horns of the altar” (1 Kings 2:28). When the reformation of Josiah abolished all local shrines or, even earlier, when King Hezekiah made the first move to abolish them, this mode of refuge was denied the people, for only the Temple in Jerusalem remained. It was now more imperative than ever to have these cities of refuge in various parts of the country for ready access and to “prepare the roads” leading to them.

Soon after the reformation of King Josiah Judah was conquered by the Babylonians (586 B.C.E.). Political and social chaos ensued. Trans-Jordan was no longer part of Judah, nor were the refuge cities of Shechem and Kadesh, even of Hebron. There is no mention of cities of refuge after the return from the Babylonian captivity. During the Persian period, Judah remained a semi-autonomous province within a Persian satrapy and covered a very small area. This may account for the silence of the Holiness Code about the cities of refuge. There is nothing to indicate that they were revived during the period of Hasmonean expansion or subsequently, or that there was need to revive them. The custom of the “blood-avenger” had lapsed and had given way to new concepts of criminal law. Like the law of the jubilee, it was, in all probability, a dead-letter law, never repealed, never enforced.

There were other laws which appear in one code and not in another. Thus the Covenant Code has no provision for the tithe. While it provides that the first-born of children and of oxen and sheep shall be given to the sanctuary of YHWH, and offerings of the harvest and of the wine presses (Exod. 22:29-30), it does not fix the amount. The Deuteronomic Code, however, specifically designates the amount: “You shall tithe all the yield of your seed, which comes forth from the field year by year” (Deut. 14:22-23). But it is silent on dedicating to YHWH the first-born of children and says nothing about redeeming them. Their redemption is prescribed in the Little Book of the Covenant (Exod. 34:20). We shall see later why the tithe was made mandatory in Judah.

In the Covenant Code (Exod. 20:24-26) it is ordained that “An altar of earth you shall make for me.” An *earthen* altar is evidently preferred. “And if you make me an altar of stone, you shall not build it of hewn stones; for if you wield your tool upon it you profane it.” The Deuteronomic Code no longer knows of an altar of earth. The prescription for an altar of stones is retained (Deut. 27:5). The Holiness Code no longer knows of an altar of stones. There was no such altar in the Temple, and the *Bamot* had long since been outlawed.

A law evidently directed against an ancient idolatrous practice: “You shall not boil a kid in its mother’s milk” is found both in the Covenant Code (Exod. 23:19) and the Deuteronomic Code (Deut. 14:21) but is no longer found in the Holiness Code. It was evidently no longer required.

The Covenant Code has no law against the drinking of blood or the eating of flesh containing blood, a provision which is found in the Deuteronomic Code (Deut. 12:16) and the Holiness Code (Lev. 19:26). It may well be that the practice, common among the indigenous population, had not yet spread among the invading Israelites.

Nor does the Covenant Code contain the law of the gleaning which both of the other codes do (Deut. 24:19 and Lev. 19:9). Provision for the care of the needy had not yet reached the stage of specific social legislation, though the code does admonish men not to afflict the widow and orphan (Exod. 22:22).

Nor does it have the special admonition concerning just weights and measures which is found in the Deuteronomic (25:13-16) and the Holiness (Lev. 19:35-36) Codes. Business activities, trade, and commerce had not yet developed to a point where serious problems of business standards and ethics had arisen which called for public attention.

There are quite a few laws which are found exclusively in the Deuteronomic Code—laws concerning military service, war, and the treatment of female captives in war, the expiation for an untraced murder, laws of divorce and the levirate marriage, and who shall or shall not be admitted into “the assembly of YHWH.”

A general principle of law is announced in the Deuteronomic Code which is not found elsewhere, that of individual responsibility as opposed to inherited guilt: “The fathers shall not be put to death for the children, nor shall the children be put to death for the

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 fathers; every man shall be put to death for his own sin" (Deut. 24:16). This legal principle is quoted almost verbatim in 2 Kings 14:6, in connection with the amnesty which King Amaziah of Judah (c. 800-783 B.C.E.) granted to the children of the servants who had murdered his father, Joash. He did this "according to what is written in the Book of the Torah of Moses." The Judean chronicler of the Book of Kings must be referring to the law which is recorded in the Deuteronomic Code and which was already known in the ninth century as part of the Torah of Moses.

The prophets Jeremiah and Ezekiel in their day vigorously championed this principle, and of the two, Ezekiel was the more emphatic and explicit (chapter 18). The dread exigencies of the times national disaster, invasion and exile, and the urgent need to rebuild the morale of the people, made imperative a strong reaffirmation of individual responsibility, repentance and divine forgiveness—the chance for the new generation to make a fresh start. We are warranted in concluding that the contrary doctrine which is found in the second of the Ten Words as we now have it, that YHVH "visits the iniquity of the fathers upon the children of the third and fourth generation of those who hate me," and which is restated in what appears to be a later appendage to the list of the attributes of YHVH found in Exodus 34, was not an accredited Yahvist dogma in the days of these prophets, and was not regarded as a "*daḥar*." \*

\* See page 000.

## 10

### The Covenant Code

Concerning the date of the Book of the Covenant, it is quite likely that it was compiled in the days of Samuel, possibly by Samuel himself. Some have suggested that it was Joshua who was responsible for the Covenant Code and had it written down at Shechem (Josh. 24:25), but the former is more likely. This Code probably remained operative in the North after its secession from the united Kingdom. There was nothing in it which the North could find objectionable.

The time was ripe in the days of Samuel to codify all laws which had developed since the people entered Canaan and to combine them with the earlier laws which they brought with them. The tribes were now consolidating themselves more and more, in the face of the Philistine peril. They were on the eve of forming a kingdom. A principal YHVH sanctuary, to which the representatives of the tribes would rally periodically, or on occasions, as the case might be, to transact their common affairs, and to lay down general laws and regulations which were required by their confederate life, had been in existence for some time at Shiloh before the Philistines destroyed it. There now appeared a powerful personality, Samuel. "Samuel judged Israel all the days of his life. And he went on a circuit year by year to Bethel, Gilgal, and Mizpah; and he judged Israel in all these places. Then he would come back to Ramah, for his home was there, and there also he administered justice to Israel" (1 Sam. 7:15-17). He exerted an extraordinary influence upon the religious life of the people, and as a result, it appears that a religious reformation took over in which people "put away the Baalim and the Ashtaroth and served YHVH only" (1 Sam. 7:3-4). Samuel deemed it timely to collect and codify the social and religious laws of his people and thereby to contribute not only to a greater uniformity of practice among the tribes but also to a stronger spiritual and political unity. These laws which he collected or which were collected under his direction, many of them very ancient, derived from the early nomadic experiences of the people, and some of them borrowed from the common fund of Near Eastern civil and criminal law were now combined with the Mosaic *debarim*, the revealed Words which had been the basis of the Covenant with YHVH, to form the Covenant Code.

The laws of the Covenant Code (other than the Decalogue) may be divided into two parts. The fifty laws appear to be arranged in five decalogues, each in turn arranged in two pentads. The first part (Exod. 21:2-22:16), mostly case law, is devoted exclusively to legal matters touching persons and property and to criminal offenses and their penalties. "Now these are the ordinances [*mishpatim*] which you shall set before them." These laws are simple and rudimentary and they closely resemble in substance and form some of the laws in the Code of Hammurabi which likewise developed out of earlier sources and out of a widespread legal tradition common to the ancient orient. There is one sharp difference. The laws of Hammurabi rest on the principle of status—unequal privilege is allowed to unequal station in life. The same law does not apply equally to commoner and noble. The Hebrew law makes no such distinction. The Hebrew law recognizes no preferences in law for special classes based on birth or property. It should be noted, too, that while the Hebrew law allows certain special benefits to members of the Hebrew community, such as immunity from interest charges, the manumission of a Hebrew slave after six years of service, and so forth, all acts, however, which are regarded as criminal when perpetrated against a member of the Hebrew community are regarded as criminal also and to the same degree when committed against non-Hebrews within or beyond the borders of the community.

The case laws were evidently addressed, not to the people directly, but to the judges or the elders who were charged with the administration of justice.

The second part of the Book of the Covenant (Exod. 22:17-23) contains in the main apodictic laws concerning the care of the stranger, the widow and the orphan, the treatment of the poor, and the impartial administration of justice. These were some of the original Words of the Mosaic Torah which are not found in the Decalogue. There are also prescriptions for a seventh year of rest for the soil, a seventh day of rest for everyone, and for three festivals of pilgrimage. There is also a law concerning the offering of the first fruits and one concerning the manner of sacrifice. There is a prohibition against boiling a kid in its mother's milk—presumably a Canaanitish idolatrous practice. This second category of laws seems to be addressed to the people directly.

The Covenant Code contains no laws which define categories of prohibited marriages, or clean and unclean animals, and only two laws which are directed against "the customs of the heathen," sorcery and bestiality (Lev. 20:23). In the other two codes such laws are far more numerous and are stigmatized as "abominations."



## The Holiness Code

The Holiness code is an independent code which is based neither on the Covenant nor the Deuteronomic Codes. It possesses a characteristic style and dphaseology of its own. It is of interest to note that the Holiness Code speaks of "the priests, the sons of Aaron" but never of "the priests, the Levites." The Deuteronomic Code most always refers to priests as "the priests, the Levites" or "the priests, the sons of Levi," seldom to "priests" alone, as if by reiteration it seeks to impress the fact that all priests must be of the tribe of Levi. This, of course, is quite contrary to the position which was taken in the North. It seems likely that the original home of the Holiness Code was in Northern Israel.

The Holiness Code is little concerned with civil and criminal law. Considerable attention is given to matters of unlawful marriages, incest, and sexual offenses. It does not contain any law about rulers or prophets. Its keynote is holiness<sup>1</sup> not alone of priests but of the

<sup>1</sup> Hence the name which Klostermann (1877) applied to it.

entire people. It contains many ancient laws. Its nucleus of pure moral teachings and precepts—the divine Words—is by far the most complete and exalted. These, we believe, in the main belonged to the original Torah.<sup>2</sup> The author of the Holiness Code was in

<sup>2</sup> R. Hiyya (second century) taught: "This section [Lev. 19:1 ff.] was spoken in the presence of a gathering of the whole assembly ('speak to all the congregation of the people of Israel') because most of the essential principles of the Torah are included in it" (Lev. Rabba 24:4).

possession of a version of the Words which differed from that of the Book of the Covenant and Deuteronomy in form, though not in substance.

The Holiness Code contains a law about the jubilee year which is not found in the other two codes.

The law of the sabbatical year is found in all three codes, while the law of the jubilee year is found only in the Holiness Code. The Code of the Covenant prescribes that every seventh year a man should let his land rest and lie fallow (Exod. 23:10-11). So also does the Holiness Code (Lev. 25:2-7). Neither code says anything about the cancellation of debts in the sabbatical year. The Deuteronomic Code ordains that every seventh year all debts shall be annulled but says nothing about the land lying fallow (Deut. 15:1-6). The Holiness Code points out in a critical vein that when the people shall have been exiled for their sins to a foreign land, then the land in its desolation shall enjoy the rest "which it had not in your sabbaths when you dwelt upon it" (Lev. 26:34-35). It introduces the institution of the jubilee, which is not found in the other two codes. Every fiftieth year, i.e. after seven weeks of years, not only is the land to lie fallow, but all hereditary property is to be restored to the original owner or to his legal heir and all Hebrew slaves are to be set free, regardless of whether their fixed term of six years of servitude expires, or whether they had indicated their unwillingness to leave their master (Lev. 25:8 ff.).

The motives underlying the jubilee law are of the highest. It was intended to keep the land of each tribe intact, and avert the creation of great landed estates and a permanent landless and uprooted class. It established the principle that land must never be sold in perpetuity to anyone, "for the land is mine" (Lev. 25:23). It further proclaimed the inalienable freedom of all people, "for they are my servants whom I brought forth out of the land of Egypt; they shall not be sold as slaves" (Lev. 25:42).

Land distribution is one of the major and continuing problems of history. Wars and social upheavals in many parts of the world have resulted from failure to solve it satisfactorily. Legislation to limit the amount of land that a person can hold or to redistribute land which is too closely held or to make possible the restoration of a man to his ancestral possession from which he has been alienated has been variously resorted to in many countries and epochs.

Whether in Israel the jubilee year was only the utopian scheme of an idealist or a group of social reformers who, during or following the Babylonian exile, hoped that the New Judean commonwealth would be reconstructed on the highest level of justice and humanity, or whether it was projected earlier at a given period in the people's history, in response to an actual economic need, brought about by population pressure and a land scarcity, it is difficult to say. It is possible that it was part of the social reforms program which Jeroboam I (c. 922-901 B.C.E.) hoped or promised to introduce at the time of his revolution which was caused by the economic oppression and severe taxation, "the heavy yoke," the people bore under King Solomon and his son Rehoboam. It will be recalled that it was the prophet Ahijah of Shiloh who inspired the rebellion of Jeroboam (1 Kings 11:29-40). The Holiness Code, insofar at least as the advanced social laws in which it abounds is concerned, may be the work of this prophet or his immediate disciples.

It is doubtful, however, whether the jubilee law for the restoration of hereditary property at each fiftieth year was ever carried out. Land inheritance was zealously guarded in ancient Israel, as Naboth's refusal to sell his vineyard to King Ahab demonstrates: "The Lord forbids that I should give you the inheritance of my fathers" (1 Kings 21:1-16). But there is nowhere any evidence that the legislation touching land restoration and the liberation of all Hebrew slaves in the year of the jubilee was ever enforced. Hebrew slaves, to judge by Jeremiah, were not set free by their masters even at the end of the six years which the law of the Covenant Code prescribed, and this law was ignored not only in his day, but "your fathers did not listen to me" (Jer. 34:8 ff.).

The jubilee year was completely ignored during the Second Commonwealth, even if one were to assume that it was in operation in pre-exilic times. It was reckoned but not observed. The rabbis were certain that it had already become obsolete in the days when Hazael, King of Syria (844-804 B.C.), exiled the tribes of Reuben, Gad, and half the tribe of Manasseh (Sifra on Deut. 25:10. See also Arak. 32b). They maintained that the law of the jubilee was valid only as long as all the tribes of Israel occupied their land.

The sabbatical year, however, was observed during the Second Commonwealth, both as to its land and debt provisions (See 1 Macc. 6:49-53). Specifically mentioned in the covenant of allegiance which the returned Babylonian exiles made "to walk in God's law which was given to Moses" was the pledge: "We will forego the crops in the seventh year and the exaction of every debt" (Neh. 10:31).



The cancellation of all debts in each seventh year became in time such a serious impediment to credit and trade that a legal device had to be found to circumvent it, and Hillel (first century C.E.) devised the *Præbul* whereby a creditor deposited his claim with the court, and by so doing, prevented the annulment of his debt on the occasion of the sabbatical year.

The Holiness Code also contains two holy days which are not found elsewhere—New Year's Day and the Day of Atonement. They were evidently festivals which the returning exiles brought back with them from Babylon.

## 12

### The Deuteronomic Code

The laws of the Deuteronomic Code to a large degree resemble the laws of the older and more concise Code of the Covenant. It is questionable, however, whether the former are actually based on the latter. Both seem to stem independently from older legal sources. Half of the subjects in Deuteronomy are treated, though not in the same manner, in the Covenant Code. But there are many other laws in the Deuteronomic Code which undoubtedly derive from other and earlier codes in Israel and Judah. The purpose of Deuteronomy was to be the pandect, the complete code of laws for Israel. Its aim was to collect and collate all laws and to give them all Mosaic authority. These laws were not submitted to any careful screening and harmonization. They were not revised to eliminate contradictions or duplications nor were they arranged systematically. They were brought up to date, so to speak, not by emendation but by addition. The new was added to the old, but the old was retained.

This was true also in regard to the various preambles to the codes. Inasmuch as Deuteronomy's purpose was to combine all the laws into one code (chapters 12—26), it also combined all the preambles of the other codes (chapters 4—11). It is difficult to say which preamble belonged to which code. Whenever a new covenant was made, as was the case under Joshua, Asa, Joash, and Josiah and possibly also under Hezekiah, a code of laws restating or revising the old code, or some salient excerpts from it, was incorporated as the essential feature of the covenant, and was introduced by a preamble which contained exhortations and admonitions whose initial words may well have been: "Hear, O Israel" (Deut. 4:1; see needless repetition in the early chapters of Deuteronomy).

Deuteronomy's own preamble was probably 9:1—11:32. It carries the definite imprint of the final Levitical editor. It calls attention to the granting of full priestly authority to the tribe of Levi (10:8) and it cites the sin of Aaron in the making of the golden calf (9:20).

The preamble of Deut. 6:4 f. is reminiscent of the covenant which Joshua made at Shechem (Josh. 24). It lays stress on only two matters, not to follow other gods (Deut. 6:14; Josh. 24:16) and to remember that YHWH is a "jealous god" (Deut. 6:15; Josh. 24:19).

The preamble of which Deut. 7:1—11 is a part, which prohibits intermarriage with the neighboring peoples, calls for their total extirpation and the destruction of their altars, pillars, and asherim and the breaking of their graven images, seems to belong to The Little Book of the Covenant (Exod. 34). This covenant may be the one which was made following the Jehoiada—Joash revolution (c. 837—800 B.C.E.; see 2 Kings 11). Its drastic measures against heathen cults and contacts and especially the prohibition against intermarriage may have been the violent reaction to the strong anti-Yahvist activities of Queen Athaliah, daughter of Ahab and his Phoenician wife, Jezebel. Athaliah in Judah and Jezebel in Israel were ardent protagonists of heathen cults and worship.

The preamble of Deut. 4:1—40 f. speaks of the worship of the heavenly bodies (4:19). This was introduced in Judah during the reign of Manasseh. It refers to the exile which would be visited upon the people if they disobeyed the laws of YHWH (4:26—27). But it holds out the promise of restoration. This may have been the preamble to a covenant which was made in the days of Hezekiah (715—687 B.C.E.) shortly after the destruction of the Kingdom of Israel (722 B.C.E.). The strong prohibition against the making of all graven images, and the detailed enumeration (4:16—18) of all the prohibited likenesses "of any beast that is on the earth, the likeness of any winged bird that flies in the air, the likeness of anything that creeps on the ground, the likeness of any fish that is in the water under the earth," recalls the account of Hezekiah's reform which is given in 2 Kings 18:4. Hezekiah even "broke in pieces the bronze serpent that Moses had made, for until those days the people of Israel had burned incense to it."

New codes or renewed and amended older codes were adopted at critical junctures in the history of the people and some were dramatized by new covenants which were made with YHWH. Such covenants were entered into by the recognized leaders of the people or the king in the presence of the people. They were based on specific commitments or undertakings, to which the entire assembly gave its assent. These then became *Hok* and *Mishpat*, i.e. laws binding on the entire people for all time (Josh. 24:25; see also Ps. 81:5 [in R.S.V. 81:4]; 1 Sam. 30:25). These commitments were reduced to writing and were attested to by the setting up of "a stone of witness" and, on occasion, either by the rebuilding of the altar of YHWH or the repairing of His sanctuary. In the case of the Covenant at Sinai, it is recorded: "YHWH said to Moses, 'Write these words; in accordance with these words I have made a covenant with you and with Israel'" (Exod. 34:27).

There were not many such covenants made after the time of Moses and Joshua. Only Asa, Joash, and Josiah are reported to have made such covenants, possibly also Hezekiah (2 Chron. 29:10). No covenant is recorded as having been made by any king in Northern Israel, even though the drastic reforms of King Jehu would certainly have justified the making of a new covenant. Either the Judean redactors of the biblical chronicles deliberately ignored all the Israel covenants which were made, or the practice of making new covenants was not followed in the North.

According to Deuteronomy (31:9—10), the Torah of Moses was read "at the end of every seven years, at the set time of the year of release [Sabbatical year], at the Feast of Booths [Succot], when all Israel comes to appear before YHWH your God at the place which he will choose." But it is not indicated that a new covenant was made on each such occasion.

When the worship of YHVH was not endangered by prolonged neglect or hostile attacks, no new covenant was necessary. Saul, David, and Solomon made no new covenants with YHVH, nor had Samuel. Under Joshua a covenant was made, for the people then faced a radical new experience. They had entered Canaan as conquerors and found themselves among a native population whose religion, culture, and way of life differed sharply from their own, and in the eyes of the Yahvist leaders of the people, might endanger their own. It was most urgent to reenforce the allegiance of the people to the faith which Moses had given them, and to stiffen their resistance. They also found, upon their entrance into Canaan, Hebrews whose ancestors had lived in Canaan for a long time and had never shared in the experience of the Egyptian bondage and the Exodus, and had never known the leadership and faith of Moses. These retained only dim memories of ancestors who had come from beyond the Euphrates, where God was not YHVH but *El Elyon*, to whom in their own way they remained loyal, but who made no such demands upon them as did YHVH of the returning fellow Hebrews.<sup>1</sup>

<sup>1</sup> The account of a mass circumcision of the people *after* they crossed the Jordan, which the narrator (Joshua 5) explains as having been made necessary by the fact that the children who were born in the wilderness after the Exodus had not been circumcised, may have another explanation. It may have been made necessary by those Hebrews who had remained in Canaan, who had largely assimilated with the native population, and among whom the practice had lapsed.

Accordingly at Shechem, Joshua made a new covenant with *all* the assembled tribes of Israel, the old settlers as well as those who had but recently arrived. Shechem was of old the principal city of the northern tribes of Israel. It was to Shechem that Solomon's son Rehoboam (c. 922-915 B.C.E.) centuries later came to be crowned king over Israel (1 Kings 12:1). As if for the special benefit of the old settlers, Joshua recalled in comprehensive outline the earliest history of *all* the tribes, beginning with the migration of their ancestors from beyond the Euphrates.<sup>2</sup>

<sup>2</sup> The later confessions of faith, such as are found in Deut. 6:20-25 and 26:5-10, dwell almost entirely on the Egyptian experience of the people and the Exodus, and only incidentally on patriarchal origins.

The commitments of the Shechem covenant were "to revere YHVH and serve him in sincerity and in faithfulness; put away the gods which your fathers served beyond the River, and in Egypt, and serve YHVH." The people were warned of the consequences which would follow their disregard of the covenant. Nevertheless, they cried out thrice: "Nay, but we will serve YHVH." Joshua wrote the statutes and ordinances, to which the people assented, in the Book of the Torah of God, and he took a great stone and set it up there and said: "Behold, this stone . . . shall be a witness against you, lest [whenever] you deal falsely with your God" (Josh. 24). In all likelihood, the commitments to which Joshua asked the tribes to subscribe were the Words of Moses.

The account given in Joshua 24, is the most complete and detailed description of covenant-making in ancient Israel. It may well be assumed that this was the formula which was followed on all such occasions. (1) The people, or perhaps only their representatives, "the elders, the heads, the judges and the officers" assembled "before God," i.e. in the sacred precinct before the shrine or sanctuary (v.1).<sup>3</sup> The occasion of the gathering of the tribes was called *Yom*

<sup>3</sup> Gen. 33:19 records the tradition that Jacob had acquired such a plot of ground at Shechem from the sons of Hamor for a hundred pieces of money, where he erected an altar and called it *El-Elohe-Israel*. (2) The assembly, *Hu-Kahal* or *Ipakahal*, the "day of the assembly" or "the assembly" (Deut. 9:10; 10:4; 18:16; Judg. 21:8). (3) The people then were apprised by their leader or their king of the reason for the convocation, and what must be done to retain or to regain the favor of YHVH (vv. 2-14). (3) They were then asked whether they were prepared to commit themselves wholeheartedly and without reservations to that which must be done. The choice was theirs to make (v.15). They were forewarned of the dire consequences which would follow if later they violated their pledge (vv. 19-20). (4) When the people gave their wholehearted approval—"Nay, but we *will* serve YHVH . . . we *will* serve YHVH, our God, and we *will* obey his voice"—then the covenant was consummated (vv. 21-25). (5) The terms of the covenant were then written down in the Book of the Law of God and a great stone was erected to commemorate the event (v. 26).

It should be noted that there is no mention of any sacrifice that was offered on such an occasion or of the presence of any priest in connection with the ceremony of making a covenant with YHVH. The Mosaic Yahvist tradition had no place for sacrifice or priesthood.

It is not difficult to trace the above steps in the making of the Mosaic Covenant at Sinai as recorded in the Book of Exodus, in spite of the tangled and involved nature of the composite narrative and its priestly accretions. (1) All the people, especially the elders, are assembled before God at the foot of the holy mountain (Exod. 19:7, 17). (2) The reason for the convocation is announced (vv. 3-6). (3) The people are then asked whether they are willing to covenant themselves to obey the Words of YHVH and His ordinances. (4) They give their affirmative reply: "All the people answered with one voice, and said, 'All the words which YHVH has spoken we *will* do'" (Exod. 24:3). (5) Moses then wrote down all the Words of YHVH in the Book of the Covenant, and read it to the people (Exod. 24:4, 7) and set up "twelve pillars, according to the twelve tribes of Israel" (Exod. 24:4). The number twelve is here a later addition belonging to the period of the united Kingdom. The setting up of more than one pillar at a sacred place was not uncommon in the ancient Near East. Of Joshua too it is recorded that he set up twelve stones at Gilgal (Josh. 4:20). The name Gilgal itself suggests a circle of standing stones, a *cromlech*.

Centuries later King Asa (c. 913-873 B.C.E.), under the inspiration of the prophet Azariah ben Oded, carried through a momentous reform against Asherah worship which had spread among the people. He outlawed all *kedeshim*, male prostitutes, who were associated with the practices of this cult, and drove them out of the land (2 Chron. 15 and 1 Kings 15). He and the people of Judah entered into a new covenant with YHVH and built a new altar (or rebuilt the old) to YHVH (2 Chron. 15:8).

In the ninth century alien customs and influences from neighboring Syria and Phoenicia penetrated more and more into the life of Israel and Judah in the wake of the growing strength and prestige of those states. Syria had defeated King Omri (c. 876-869) and in the early years of the reign of the latter's son, Ahab, Syria was at the gates of Samaria, threatening to engulf the entire kingdom. After Ahab's victories over Syria, attempts at forming alliances with Syria were made from time to time. Ahab allied himself with Ben-hadad II against Shalmaneser III, although he had previously been at war with him, and took part in the battle of Karkar (853). Ahab married Jezebel, the daughter of the king of Phoenicia, and Jehoram, the king of Judah, married Athaliah, their daughter. Both mother and daughter were zealous servitors of the Phoenician Baal and fostered his worship in Israel and Judah to a degree where Yahvism was in danger of extinction.

37—SILVER—Moses and the Original Torah—11x12x25 Bask.

Following the Yahvist reaction to this spread of Baalism in Judah and the Yahvist revival which was led by the High Priest Jehoiada, a new covenant, vowing exclusive loyalty to YHVH and an end to YHVH-Baal syncretism was made by King Joash (c. 837–800 B.C.E.) and the people (2 Kings 11:17).

The reformation of Hezekiah (c. 715–687) which was aimed at the removal of the *Bamot*, the "high places," and at centering all worship in Jerusalem (2 Kings 18)—a truly revolutionary measure in the religious life of the people—may or may not have led to a new covenant. The Chronicler (2 Chron. 29:10) suggests the possibility that Hezekiah *did* make a covenant. Worship on the high places—however repugnant it was to the later prophets and however conducive to religious abuses—did not involve any apostasy, for it was YHVH who was worshiped there and there was no prohibition against them in the early religion of YHVH.

It was when apostasy was involved, the actual worship of other gods—Baal, Asherah, the sun, or other heavenly bodies—that the old Mosaic Covenant was viewed as having been broken, and a new covenant was therefore imperative.

Under King Josiah (c. 640–609 B.C.E.) a great reformation was carried out to put an end to such idolatry in Judah. It included the abolition of the *Bamot*, the high places, which Hezekiah had attempted, and the concentration of all sacrifices and pilgrimages in Jerusalem. Especially was the new reformation aimed at the worship of the sun which was introduced in Judah in the early days of Ahaz and Manasseh (2 Kings 21:3–4; 2 Kings 23:4–5; Jer. 8:2). This cult had become popular in the years preceding the fall of Jerusalem. Ezekiel tells of seeing in the inner court of the Temple, between the porch and the altar, men with their backs to the Temple of YHVH, and their faces toward the east, worshipping the sun, and he describes their ritual (Ezek. 8:16–17). Jeremiah is angered at the Jews who had fled to Egypt after the fall of Jerusalem, for in spite of all that had happened, they still persisted in burning incense to the queen of heaven and pouring libations to her (Jer. 44). The Mishnah recounts that as part of the ritual in connection with the celebration of the festival of Succot in the Second Temple, the Levites on reaching the gate which leads out to the east, turned their faces from east to west and proclaimed: "Our fathers who were in this place stood with their backs toward the Temple of YHVH and their faces toward the east, and they worshipped the sun toward the east, but as for us, our eyes are toward YHVH" (Sukkah 5:4).

This reformation which was carried out by King Josiah and the pro-Yahvist forces in Judah was likewise symbolized by a new covenant, and the strictures against the worship of the heavenly bodies are reflected in the Deuteronomic Code (Deut. 4:19; 17:3).

The Deuteronomic Code, in its final form a Judean compilation, contains much material which originated in Northern Israel prior and subsequent to the division. A revision of earlier historical writings and of legal codes was made imperative for the Northern state which was formed after the secession (c. 925 B.C.E.) Not only was it necessary to reject the cultic importance of Jerusalem but, in competition, new centers of YHVH worship, a new priesthood, and new ritual forms and Palladia had to be established. Also legal and historical literature had to reflect the social and political situations, especially the latter, which differed from those of the Kingdom of Judah.

Thus Judah was always at war with Edom, its close neighbor, from the days of David and Solomon. King David slew eighteen thousand Edomites in the Valley of Salt and he put garrisons in Edom, and all the Edomites became David's servants (2 Sam. 8:13–14). Hadad, the Edomite, was an adversary of Solomon all the days of his life (1 Kings 11:14 ff.). In the reign of Jehoram (c. 849–842 B.C.E.) Edom revolted from the rule of Judah and set up a king of its own (2 Kings 8:20). Not long thereafter, Amaziah (c. 800–783 B.C.E.) attacked Edom, killed ten thousand Edomites and took Sela by storm (2 Kings 14:7).

In the closing years of the Kingdom of Judah, when a succession of political misfortunes overtook the state which was now ground between the upper and lower millstones of Babylonian-Egyptian imperial rivalries, Edom manifested a steady hostility toward Judah, hoping for its downfall and coveting its territory. Because of it, the prophet Jeremiah pronounced doom upon Edom: "For I have sworn by myself, says the Lord, that Bozrah [the metropolis of Edom] shall become a horror, a taunt, a waste, and a curse; and all her cities shall be perpetual wastes" (49:13). Ezekiel, who seems to have in mind some specific act of treachery which was committed by Edom against Judah at the time of the Babylonian invasion, declared: "Because Edom acted revengefully against the house of Judah and has grievously offended in taking vengeance upon them, therefore thus says YHVH Elohim, I will stretch out my hand against Edom, and cut off from it man and beast; and I will make it desolate" (25:12–14).

The Kingdom of Israel, however, was never at war with Edom. On the contrary, it would be inclined to look with favor upon Edom precisely because it was an enemy of Judah. When Mesha, king of Moab, rebelled against Israel, and refused to pay the annual tribute, and King Jehoram of Israel marched against him, he had the king of Edom as an ally (2 Kings 3:4 ff.).

We therefore find in Deuteronomy that the children of Israel, on their way to Canaan, were warned to take good heed not to contend with the Edomites: "[as you] pass through the territory of your brethren the sons of Esau, . . . for I will not give you any of their land, no, not so much as for the sole of the foot to tread on, because I have given Mount Seir to Esau as a possession" (Deut. 2:4–8). They were told to pay for the food and water that they might consume there. The Edomites might be afraid of the Israelites but the Israelites must not take any advantage of them. The Edomites are referred to again as "our brothers" (v. 8). It is not indicated at all why the Israelites "turned away" from the land of Edom and did not pass through it on their way northwest. A different account altogether is given in Numbers 20. Here Edom is bitterly criticized for having refused the children of Israel the right of passage through its territory, even though they pleaded with them, and promised not to pass through field or vineyard, and to pay for the water they would drink. They would use only the king's highway. Edom refused and came out against them with a strong force and Israel was compelled to turn away from its territory.

In the Deuteronomy alone we find the injunction: "You shall not abhor an Edomite, for he is your brother" (Deut. 23:7).

This holds true also of Israel's relations with Egypt. Judah was frequently at war with Egypt. During the reign of the first king of Judah, Rehoboam, "Shishak, king of Egypt [Shoshenk I, c. 950–929 B.C.E.] came up against Jerusalem; he took away the treasures of the house of YHVH and the treasures of the king's house; he took away everything. He also took away all the shields of gold which Solomon had made" (1 Kings 14:25–6). Shishak's capture and sack of Jerusalem undoubtedly undermined the power and prestige of Rehoboam, and contributed to the successful revolt of the Northern tribes under Jeroboam.



During the reign of Asa, the third king of Judah (c. 913–873 B.C.E.) Zerah "the Ethiopian" (perhaps an official of Osorkon I, successor of Shishak) attacked Judah and was defeated in the battle of Mareshah. Pharaoh-necho slew King Josiah in the battle of Megiddo (609 B.C.E.), deposed Jehoahaz, placed Jehoiakim in his place, and laid a heavy tribute upon the land. Judah's military alliances were as a rule with the kingdoms and empires of Syria, Assyria, Babylon—never with Egypt. In a final desperate effort to save their country from the might of Babylon, Jehoiakim, his son Jehoiachin and Zedekiah, son of Josiah (598–587) turned to Egypt,—as Hezekiah had done once before, when he rebelled against Assyria (2 Kings 18:7 ff.)—but to no avail, for Nebuchadnezzar destroyed Jerusalem (Jer. 37). The prophets Isaiah and Jeremiah in their day warned against turning to Egypt for help (Isa. 30:1–7; 31:1; 36:6–9; Jer. 42:13–19).

But Israel was never at war with Egypt. The first king of Israel, Jeroboam, had found sanctuary in Egypt when he fled from Solomon's wrath, and had been welcomed in the court of Shishak. His wife, according to the Septuagint, was an Egyptian, Anō by name, and the mother of his son Abijah (Sept. 1 Kings 12:24). Hoshea, king of Israel (c. 732–724 B.C.E.), sought the aid of Egypt against Tiglath-Pileser of Assyria (2 Kings 17:3–4). This may explain the injunction of Deut. 23:7: "You shall not abhor an Egyptian, because you were a sojourner in his land."

In the case of Ammon and Moab, however, the injunction is of an opposite nature: "No Ammonite or Moabite shall ever enter the assembly of the Lord; even to the tenth generation none belonging to them shall enter the assembly of the Lord for ever" (Deut. 23:3). The children of Edom and Egypt, however, even of the third generation may enter the assembly of the Lord.

Israel waged frequent war against Ammon and Moab. The animosities reached back to the times of Saul and David. Both North and South found themselves at one time or another at war with them. They were hated and despised. King Omri of Israel subdued Moab and it was held by his son Ahab (c. 869–850 B.C.E.). King Mesha rebelled against Ahab and restored Moab's independence. This victory is recorded on the Moabite Stone found at Dibon. Jehoram, king of Israel (c. 849–842 B.C.E.) tried in vain to reconquer it and invited the king of Judah, Jehoshaphat, to join him in his campaign against Moab (2 Kings 3). Somewhat later we read that "bands of Moabites used to invade the land [of Israel] in the spring of the year" (2 Kings 13:20).

It is not unlikely that the North took a special pleasure in the enactment of this legislation against Ammon and Moab, it being common knowledge that the mother of King Rehoboam, son of Solomon, in whose reign the great secession took place, was herself an Ammonitess (1 Kings 14:21). So was the ancestress of King David.

In the matter of an exclusive central sanctuary, the Deuteronomic Code differs sharply from the other codes (Deut. 12). This is the one outstanding feature of the covenant of King Josiah and the reformation under King Hezekiah which is incorporated in the Book of Deuteronomy. This, and everything else that stems from it which is recorded in the Book of Deuteronomy is definitely of Judean, not Israelitish authorship. This is one of the two major themes which led to the reviving of Deuteronomy, otherwise a literary product of the North. The other theme, as we have already indicated, was the Judean Levite bias against the Aaronite priesthood of Israel. We have previously pointed out the presence of certain laws in Deuteronomy which are peculiar to it, and the reasons for it.

An exclusive sanctuary for the worship of YHVH was never, until the time of Hezekiah and Josiah, known or called for in Judah or in Israel. The purpose of this centralization was to exercise direct supervision and control over the cult of YHVH worship and to stamp out for all time any local deviation from it, and every vestige of heathen practices. In this regard the Deuteronomic Code is more extreme than the Covenant Code. It prescribes death for the man or woman who is found guilty of worshiping other gods (Deut. 17:2–5). The Covenant Code prescribes only excommunication (Exod. 22:19; In R.S.V. 22:20). Any one who leads men to apostasy is to be put to death. Even an entire community which has turned to serve other gods is to be extirpated (Deut. 13:6–18).

These severe laws reflect the spirit of the great reforms which took place in the reign of King Hezekiah and King Josiah and represent the violent reaction of YHVH loyalists to the extensive heathen revival under King Ahaz (c. 735–715 B.C.E.) and King Manasseh (c. 687–642 B.C.E.) which threatened the very survival of Yahvism (2 Kings 21). In part they reflect the earlier movements of reformation under Asa and Jehoshaphat (913–849 B.C.E.) and Josiah (c. 837–800).

Every age has its all-dominant ideal which embodies its major interest and which claims primacy in all regards. It evokes supreme loyalties and supreme apprehensions. Anything which endangers that ideal becomes the major offense, the arch crime of that age and is met by the most extreme repression. In an age whose supreme hopes are centered in religious uniformity heresy becomes the arch crime, whereas in a religiously tolerant age it is no crime at all. In other ages, political heresy or economic, as in present-day dictatorships of the right or the left, looms as the arch crime and calls forth the most severe punishment, whereas capital crimes against individuals are treated far more leniently. On its all-dominant ideal, no age is tolerant.

In ancient Israel the all-absorbing ideal of the Yahvist loyalists was the unity of God and His pure worship. The arch crime was idolatry. Hence, the ruthless penalties which were ordained against those who rejected and endangered the idea and worshiped idols.

The centralization of worship in Jerusalem meant that all the Levites who had been officiating at the *Bamot* throughout the land, were now without means of livelihood. Special provision had to be made for their care, and the Deuteronomic Code contains such provisions.

The custom of offering a tenth of one's possessions, especially of the produce of the soil, to the local sanctuary was an ancient one in Israel and among other peoples. The practice was originally voluntary. The Patriarch Jacob is represented as vowing that if YHVH would prosper him on his way and bring him back safely to his father's house, that "of all that thou givest me I will give the tenth to thee" (Gen. 28:20–22). Abraham gave a tenth of all the booty which he recaptured from Chedorlaomer, king of Elam, and his confederates to Melchizedek, king of Salem, "priest of God Most High" (Gen. 14:20). A tenth represented a generous donation to the deity.

It remained voluntary for a long time. There is no legislation in the Covenant Code or in the Holiness Code which makes it obligatory upon the worshiper to bring tithes to the sanctuary. Only in the Deuteronomistic Code do we find such legislation (Deut. 14:22-29; 26:12).

In the North there never was any official attempt to centralize the cultus and to outlaw the high places, an act which would have resulted in the displacement of large numbers of priests for whom other provisions for sustenance would then have to be made. During the era of the *Bamot*, both in the North and in the South, the priests who officiated at the local shrines received a portion of the animal sacrifices which were brought. They also received a part of the first fruits of the ground which the landowner brought annually, and a part of the tithes of the harvest every third year. The third year was known as "the year of the Tithe" (Deut. 26).<sup>4</sup> The priest shared these tithes every third

<sup>4</sup> Amos, who prophesied in Northern Israel, declared in an ironic vein (4:4): "Come to Bethel and transgress; to Gilgal, and multiply transgression; bring your sacrifices every morning, your tithes every three days [years]." Here תימים כל שלשת הימים מעשרותיכם

should be taken in the sense of שנה בשנה, i.e. every year, as in Sam. 1:3. year with the poor, the stranger, the widow and the orphan, for whom, however, additional provisions were later also made: the gleanings of the field and orchard and the corners of the field.<sup>5</sup>

<sup>5</sup> This provision is not found in the Covenant Code.

In the South, where attempts were made in the reigns of Hezekiah and Josiah to outlaw the *Bamot*, provisions had to be made for the displaced priests. In the first place permission was granted them to come to Jerusalem, and to take their turn serving at the altar in the Temple, and thus receive their portion of the sacrifices (Deut. 18:6-8). They were also given their share of the tithes which the people were now ordered to bring annually. "You shall tithe all the yield of your seed which comes forth from the field year by year" (Deut. 14:22). Every third year the landowner, instead of bringing his tithes to Jerusalem, could keep them in his home city, and the Levite would get his share there (Deut. 14:28-29). In the other years, he would take his tithe—or their equivalent in money—to the capital, and purchase food with the money and eat it there, along with the Levite, who must not be forgotten. Chronicles retains the tradition that it was King Hezekiah who imposed the tithe upon the people (2 Chron. 31:4-6). Hezekiah was the first king of Judah to order the removal of the *Bamot* (2 Kings 18:4). The Rabshakeh whom Sennacherib, king of Assyria, sent to Hezekiah, taunts the Judeans: "On whom do you now rely, . . . if you say to me, 'We rely on YHWH our God,' is it not he whose high places [*Bamot*] and altars Hezekiah has removed, saying to Judah and to Jerusalem, 'You shall worship [only] before this altar in Jerusalem?'" (2 Kings 18:19-22). Hezekiah is credited also with building storehouses in Jerusalem to hold the tithes which were brought by the people or collected from them. From these stores the Levites received their share (2 Chron. 31:6-12).

King Josiah, who abolished the *Bamot* after Manasseh, son of Hezekiah, had resored them (2 Kings 21:3), undoubtedly retained the tithe provisions for the support of the displaced Levites. He would not, however, permit these Levites who had returned to the *Bamot* under Manasseh to officiate at the altar in the Temple in Jerusalem (2 Kings 23:9). "They could eat unleavened bread among their brethren," i.e. they were entitled to all other priestly perquisites. These Levites were looked upon by the loyal Yahvists as backsliders, and they were refused full priestly status when Josiah carried out his reformation. They were degraded in status. In all likelihood, it is to this group of Levites that the prophet Ezekiel referred: "But the Levites who went far from me, going astray from me after their idols when Israel went astray, shall bear their punishment. . . . They shall not come near to me, to serve me as priest, nor come near any of my sacred things. . . . Yet I will appoint them to keep charge of the temple, to do all its service and all that is to be done it" (Ezek. 44:10-14).

The avowed purpose of the Deuteronomistic Code in its final revision, was to keep the people free from all forms of heathen contamination and so "be blameless before YHWH your God" (Deut. 18:15). It was to serve as a *complete* and *final canon* of law which would be binding upon the people for all time. "You shall not add to the word which I command you, nor take from it" is twice repeated (Deut. 4:2; 13:1). Time and again, stress is laid on the fact that YHWH has commanded the people "to do all these statutes" (Deut. 6:24); "all the commandments which I command you this day you shall be careful to do" (Deut. 8:1 *et al.*).

The Deuteronomistic style is eloquent, at times impassioned, predicated. The code is highly sensitive to human values and is informed by a deep regard for the underprivileged. It has an exalted conception of Israel as a chosen and covenanted people. It calls for a boundless love and service of YHWH. It is the very summary of the long struggle to put into effect what the founder of the faith of YHWH, Moses, had taught. It aims to defend it against adulteration and alien admixtures and to give concrete expression to the Words which he communicated in the name of YHWH.

The Book of Deuteronomy shows little interest in Patriarchal history. The overwhelming historical fact which determines everything is the Exodus from Egypt and the giving of the Words at Sinai. The *credo* which is to be taught to children who will ask in time to come, "What is the meaning of the testimonies and the statutes and the ordinances which YHWH our God has commanded you?" Then you shall say to your son, "We were Pharaoh's slaves in Egypt; and YHWH brought us out of Egypt . . . that he might bring us in and give us the land which he swore to give to our fathers. And YHWH commanded us to do all these statutes, to fear [revere] YHWH our God, for our good always" (Deut. 6:20-25). The *credo* which is to be recited by every Israelite who brought his offering of first fruits to YHWH's shrine is: "A wandering Aramean was my father; and he went down into Egypt and sojourned there, few in number; . . . and the Egyptians treated us harshly, and afflicted us, and laid upon us hard bondage. Then we cried to YHWH the God of our fathers, . . . and YHWH brought us out of Egypt with a mighty hand . . . and he brought us into this place . . . And you shall set it [the basket containing the offering] down before YHWH your God, and worship before YHWH your God" (Deut. 26:5-10).

## The "Words"

As regards the "Words" themselves, the original Torah, the three codes are in remarkable agreement.

The Words of the Book of the Covenant are in the first instance grouped in the form of ten apodictic laws—the Ten Words (Exod. 20:1-14). So, with slight variations, are the Words of the Deuteronomic Code (Deut. 5:6-18). Ten was a common type of arrangement; groupings of ten were both convenient and an aid to memory. It is significant that in two of the Words which are given in the Deuteronomic Decalogue (the fourth and the fifth) the phrase "as YHVH, your God, commanded you" is added. This suggests that this Decalogue was derived from an older collection of Words.

The Holiness Code has a somewhat larger body of moral injunctions and regulative principles which are grouped together (Leviticus 19). It has been maintained that an original decalogue, arranged in the form of a pentad of *double* Words is to be found in it.<sup>1</sup>

<sup>1</sup> See Julian Morgenstern, "The Decalogue of the Holiness Code," *Hebrew Union College Annual*, 1935, pp. 1-27. It appears more likely, however, that Leviticus 19 is composed of two older sets of Words—one which repeated after each commandment the refrain "I am YHVH your God" (e.g. verses 2, 3, 4, 31, 33, 35; add Lev. 26:1) and the other which repeated the refrain "I am YHVH" (e.g. verses 11-18, 26-28, 29, 32-36; add Lev. 26:2).

It is of interest to note that the Holiness Code does not contain the Decalogue which is used in the other two codes. As we had occasion to show, the Ten Words represented only excerpted Words from a larger body. The Holiness Code was probably compiled in the North, after the division, when it certainly was not good policy to draw attention to the Decalogue, which the Judeans claimed was in the Ark of the Covenant in the Jerusalem Temple. There was no reason why it should accept the Decalogue text.

All three Codes contain additional Words which are not found either in the Decalogues or in Leviticus 19. They are interspersed elsewhere in their texts.

It is these Words, we believe, which constituted the original Torah, and represent in essence what Moses himself taught. Generally speaking, it is the apodictic laws, the general, unconditional laws which are found in the Codes which are the oldest laws of ancient Israel and which must be traced back to Mosaic or even pre-Mosaic times. Albrecht Alt correctly observes: "Now it ought to be so much clearer how much the category of the apodictic law as such and as a whole is rooted in the basic institutions of early Israel and how closely it leads us therefore to the original character [*die ursprüngliche Eigenart*] of this people. The creative period in the history of this category [of apodictic law] must in any case have been the early period which preceded the founding of the state; for in the apodictic laws which have reached us, there is hardly a word which would have to be explained by later movements in the religious or legal history of Israel, and which would make necessary a late dating for the laws in question. . . . Since the worship of YHVH with which the apodictic law stands in insoluble connection obviously originated in the desert, one has also to allow the same origin for the apodictic laws in their fundamental form, even if not in the form in which they have been handed down. . . . Thus the canonical assertion that all laws which are valid for Israel are connected with the making of the covenant at the time of Moses now finds a certain confirmation, at least for a particular kind of law (the apodictic)."<sup>2</sup>

<sup>2</sup> Albrecht Alt, *Die Ursprünge des israelitischen Rechts*, 1934, pp. 69-70.

The Words themselves carry with them no penalties. Elsewhere in the codes the penalties for the violation of some of these Words are prescribed. But over and above the punishment which might be visited upon the individual who is found guilty of transgression, is the danger of provoking the wrath of YHVH against the entire community for having broken the Covenant.

The inclusion of the law on the Sabbath in the Decalogue and in Leviticus 19, which are composed entirely of spiritual and moral duties, appears, at first glance, to be incongruous, but it was not so regarded by the foremost religious teachers of Israel.

Jeremiah, who was certainly no traditional ritualist and no defender of cult, and who, more than any of the prophets, conceived of religion in terms of inner spiritual experience and ethical conduct, nevertheless stressed the importance of the institution of the Sabbath and its observance:

"Thus says YHVH: Take heed for the sake of your lives, and do not bear a burden on the sabbath day or bring it in by the gates of Jerusalem. And do not carry a burden out of your houses on the sabbath or do any work, but keep the sabbath day holy, as I commanded your fathers" (Jer. 17:21-27).

Jeremiah is here reminding the people of a command which was given to their forefathers when they left Egypt in the days of Moses. This is the meaning of the phrase "as I commanded your fathers" which is usually followed by "when I brought them out of the land of Egypt" (Jer. 11:4 and 7:22).

The prophet Ezekiel recalls to the people that the condition which was stipulated by YHVH on the day that He brought their fathers out of Egypt was that they would no longer defile themselves with the idols of Egypt. He also gave them statutes and ordinances and specifically the ordinance of the Sabbath. "Moreover I gave them my sabbaths as a sign between me and them."<sup>3</sup>

<sup>3</sup> Ezek. 20:12.

But Israel profaned the Sabbath.<sup>4</sup>

<sup>4</sup> See also Ezek. 22:8, 26.

The Sabbath was an established institution in the days of Amos (8:5), Hosea (2:13), and Isaiah (1:13), and much earlier (2 Kings 4:23). No mention is made of the Sabbath in all of the patriarchal history which is recorded in the book of Genesis. Attempts to trace its origin in Israel to a Mesopotamian lunar festival which the Canaanites adopted and from whom the Hebrews borrowed it, or to identify it with the Babylonian *Shabbatu*, are not convincing. Sabbath first appears in Jewish history as a day of rest which was ordained at the time of the Exodus from Egypt. It was not observed prior to the time of Moses. It was the sign of the Covenant which was made at Sinai in the same way as circumcision was the sign of the Abrahamic covenant. The Deuteronomic Decalogue is very explicit on this subject: "You



shall remember that you were a servant in the land of Egypt, and the Lord your God brought you out thence with a mighty hand and an outstretched arm; therefore the Lord your God commanded you to keep the sabbath day" (Deut. 5:15). Ezekiel recalls that the Sabbath was given as "a sign"—"a sign of sanctification," i.e. a selection and a setting apart, between God and Israel at the time of the Exodus (Ezek. 20:12). Sabbath observance was thus a diagnostic feature of YHVH worship.

Without doubt, the original Torah contained a law about Sabbath observance such as is found in the fourth Word. It is quite likely that Moses instituted the Sabbath day as a symbol of the people's deliverance from unrelenting slave labor in Egypt and as a sign of their new life of freedom.

It is not likely that any other day of observance was ordained by Moses except the Festival of Pesach. Pesach was originally a victory festival to celebrate the departure from Egypt. It may well have been instituted by Moses himself shortly after the people left Egypt. The biblical account actually states that the first Passover was celebrated by the Hebrews in Egypt itself just prior to their flight (Exod. 12). This Mosaic Pesach had nothing to do with the festival of unleavened bread (the *Hag Ha-Matzot*), an agricultural spring festival with which Pesach was later merged. Pesach was probably not its original name. Pesach was a night festival which lasted only one night from sundown to sunrise (Lev. 23:5). It was a common practice in Egypt for ceremonies connected with certain festivals to begin in the evening and to last only until daybreak. The specific reason for the night celebration which is given in the biblical account is that the children of Israel left Egypt "in the evening at the going down of the sun" (Deut. 16:6). The festival is called the Night of Commemoration (*Lail Shimunim*). "It is a Night of Commemoration dedicated to YHVH for He brought them out of Egypt. This night, therefore, is to be commemorated by all the children of Israel throughout the generations" (Exod. 12:42).

At this night festival which commemorated the flight from Egypt, each household killed a lamb at sundown, boiled it, and ate it, and whatever remained of it until the morning was burnt. The ordinance found in Exodus 12 insists that the lamb should not be boiled but roasted (vv. 8-9). The ordinance found in Deut. 16:7 states that the Paschal lamb should be boiled. It seems likely that the Deuteronomic ordinance retains the older tradition. The lamb was not a sacrifice in any sense of the term. It was not offered upon any altar, nor was any portion of it given to the priest or set aside for the deity. It was a secular commensal feast in which no stranger participated and it commemorated the deliverance from Egypt. Boiling of the meat was the original practice in Israel even in the case where pilgrims to a shrine of YHVH prepared their meal,<sup>5</sup> part of which they gave to the local priests. This was

<sup>5</sup> Judg. 6:19; 1 Sam. 2:13.

the custom, for example, at Shiloh, where the demand of Eli's sons, from the people who came to the shrine, for raw meat to roast instead of partaking of the boiled meat of the family was looked upon as a great sin. It may well be that the *burning* of sacrifice was a Canaanite rite. It is not likely that the ancient Israelites, prior to their settlement in Canaan and for a long time thereafter, practiced any other kind of animal sacrifice than the one described above. The elaborate sacrificial cult developed much later under Canaanite influence, and was regarded by some of the prophets as alien and censurable.

When the tribes entered Canaan and settled down to an agricultural life, they quite naturally came to celebrate the annual agricultural spring and harvest-time festivals. In the spring of the year, a festival of Unleavened Bread was celebrated for six days, during which time no leavened bread was eaten. Bread offered to YHVH was always without leaven, hence, holy bread. Leaven, because it caused fermentation, was looked upon as a form of putrefaction. The seventh day was called *Atzeret* on which all work was forbidden.

The coincidence of the victory celebration of the Night of Commemoration and the annual spring festival occurring in the same month at about the same time soon led to the linking up of the two celebrations and the blending of their rituals. In Egypt it was not infrequent that special celebrations, such as that of a military victory, would be made to coincide with an already existing annual festival. Those Hebrews who were already settled in Palestine prior to the Exodus had probably been celebrating the festival of Unleavened Bread for some time. Their nomadic ancestors, even prior to their settlement in Canaan, may have celebrated a Spring festival connected with the lambing season. We may assume that the celebration of the Night of Commemoration was far more popular among the tribes whose ancestors came out of Egypt—in Northern Israel—than in the South.

When King Josiah annexed some of the territory which originally belonged to the Kingdom of Israel, and made a determined effort to win back the descendants of those who had not been deported by the King of Assyria to political and religious unity with Judah, he "re-instituted" the festival of Pesach but changed its character from a home to a Temple celebration. According to 2 Kings 23:22-23, "the king [Josiah] commanded all the people, 'keep the festival of Pesach to YHVH your God, as it is written in this Book of the Covenant.' For no such Pesach had been kept since the days of the judges who judged Israel, or during all the days of the kings of Israel or of the kings of Judah; but in the eighteenth year of King Josiah this Pesach was kept to the Lord in Jerusalem." The Israelites, of course, did not celebrate the festival in the Temple in Jerusalem; nor did they celebrate it at Bethel or at any other shrine. It was celebrated as a home festival, in the family circle.

The association of all the three festivals of Passover, Shabuot, and Succot with the Exodus was the final development. Passover, as we have seen, was in the course of time combined with the Exodus festival, the Night of Commemoration. The Feast of Weeks, an agricultural festival which was celebrated at the time of the completion of the wheat harvest, and Succot, the autumn festival when the final harvest of grapes, fruits, and olives was gathered in, were both linked with the story of the Exodus—the former as the anniversary of the revelation at Sinai ("the time of the giving of our Torah"), the latter as commemorating Israel's dwelling in booths during the period of wandering in the wilderness. The thoroughgoing religious reformation under Josiah and the general trend toward the centralization of worship in Jerusalem formalized these seasonal occasions into national holidays of pilgrimage to the central sanctuary in Jerusalem. During the Second Commonwealth they waxed increasingly important in the life of the people.

Rosh Hashanah (New Year)—not so designated in the Bible—and Yom Ha-Kippurim (Day of Atonement) seem to be postexilic festivals. Only the later sources of the Pentateuch mention them. There is no reference to them in the early historical records of the Bible or among the prophets.

When men referred to the Words or to the original Torah, they often called it *Edut*, "Testimony," the laws which bore witness to the Covenant. "He established a Testimony [*Edut*] in Jacob, and appoint a Torah in Israel" (Ps. 78:5). Moses said to the people: "Lay your hearts to all the Words which I have set up as a testimony for you on this day" (Deut. 32:46). The tables of the Decalogue were known as the "Tables of the Testimony." When Jehoiada the priest carried out his successful *coup d'état* against Queen Athaliah in behalf of a pro-Yahvist reformation and placed the young Joash of the dynasty of David on the throne, he "put the crown upon him, and gave him the Testimony,"<sup>6</sup> a copy of the original Torah, to

<sup>6</sup> *Ha-Edut*, 2 Kings 11:12; 2 Chron. 23:11.

symbolize the purpose of the revolution and the king's responsibility to YHVH.

The Words which were contained in the original Torah of Moses were unlike the words of counsel, sayings, or proverbs which were given, for example, by a father to his son, such as one finds in the wisdom literature of the Book of Proverbs, or in the ancient instructions of the Egyptian Ptah-hotep, King Meri-ka-re, Ani or Amen-em-opet. The Words were given by YHVH to His people. They were divine imperatives, at the very core of the faith. They constituted a summons to the people of Israel to follow a way of life which these Words defined and which constituted the basis of the Covenant. They were spoken by YHVH Himself and by Him to all the people directly. They were the laws of YHVH. Hammurabi, too, according to the bas-relief on the stele upon which his code is inscribed, received the commission to write down his laws from the sun-god Sharrash. But the laws are Hammurabi's laws. The king takes particular pains to point out both in the prologue and the epilogue of his code that the laws were *his* laws. He decreed then. He enacted them. The justice was *his* justice, and the words were his words.

The Words of the Torah of Moses did not rest on custom but on divine authority. They were dogma and were based on revelation. There are man-made laws and there are traditional habits and usage of community life which are hardened into law. Both are responsive to the changing needs of man, and when they are just and long-established, they come to be regarded as divinely sanctioned. But the ideals and the ultimate moral standards are conceived as having been revealed to man. They are given to him by his Creator. They do not change. They do not ratify long-established tribal customs and time-honored practices. They proclaim that which *should* be done now and for all future time.

It was to these Words of the original Torah that the prophets pointed when they sharply condemned a faithless Israel. They nearly always use the term Torah—the Torah of Moses, the Torah of YHVH—in the singular, not *Torot* in the plural.

Legal codes, both civil and ceremonial, were later affixed to this original Torah, not vice versa. The Words were there long before the case laws and the customary laws were codified. The Words are not later insertions. The codes which contained civil, criminal, and ritual laws, legal decisions and the crystallization of many social customs were latched onto the original Torah and their points of on-latching are not difficult to discover. In due time the same divine authority which the original Torah possessed was claimed for all that was subsequently added. Thus the author of the Deuteronomic Code frequently applies the term "the Torah of Moses" or "the Book of the Torah of Moses" to the *whole* of the Code which was found in the Temple in the reign of King Josiah. Nevertheless, even he maintains a sharp distinction between the Ten Words which according to him were given at Sinai and which were carved on two tables of stone, were placed in the Ark (Deut. 10:1-5), and the statutes and ordinances which God commanded Moses to teach the people that they "may do them in the land to which you are going over to possess it" (Deut. 6:1). These laws were to be written (not carved) on large plastered stones (with pigment upon a prepared surface in the style of the Egyptians) "on the day that you pass over the Jordan," and they were to be set up on Mount Ebal (Deut. 27:1-8).

The statutes and ordinances which were variously appended to the original Torah are easily distinguishable. They are phrased as a rule in the casuistic style, in the hypothetical form of a conditional proposition and its disposition (if . . . then). This style was common to nearly all the legal codes of the ancient Near East, such as the Eshnunna and Hammurabi Codes. None of these codes employed the apodictic, unconditional style ("You shall," and "You shall not") which is so characteristic of the original Torah and the pre-Mosaic *hukkim*, the tribal customs which were traditionally binding upon the people.

Interesting too, is the contrast which one finds between the prologues and epilogues of the Hebrew codes and those of other ancient codes. The prologue to the code of laws of Lipit-Ishtar (Sumer and Akkad, nineteenth century B.C.E.) is a paean of praise to the ruler under whose sponsorship the laws are published. The epilogue invokes blessings upon those who will not damage or erase the stele upon which the laws are written or write "his own name upon it." The Code of Hammurabi also has an extensive prologue wherein the king praises himself and extolls his own achievements extravagantly. The epilogue is addressed almost entirely to "the king who in the days to come will appear in the land." The people are invited to read the laws which are inscribed on the stele in order to convince themselves of what a great protector and friend they have in Hammurabi. The king, however, is responsible for their enforcement. Future rulers are admonished to observe the laws and not to abolish or alter them. Then follow many copious maledictions which will descend upon the head of the ruler who will be guilty of such outrage.<sup>7</sup>

<sup>7</sup> See *Ancient Near East Texts*, p. 180.

The preambles to the Hebrew codes contain not a word of praise for Moses or for anyone else. The purpose and intent of the codes are clearly stated. Their aim was to make of the people a holy people, a "kingdom of priests and a holy nation." The epilogues contain both blessings and curses but they are directed not to a king or a ruler but to the entire people. The Words of the original Torah were directed to every man and woman. The divine Covenant was made with all of them and they stood committed to enforce them, each in his own life, not merely the king or his magistrates.

The original Torah was subjected to revisions by later hands and was variously transmitted. Consequently there was no stabilized text. Revisions were made for a variety of reasons but they are readily discernible. We called attention above to the fourth of the Ten Words in Exodus and Deuteronomy in which two conflicting explanations are given for the institution of the Sabbath. The expository statement that divine retribution extends unto the third and fourth generation which is found in the second Word is clearly contradicted by the Deuteronomic Code itself (Deut. 24:16).

In Leviticus 19, one finds legislation of a nonethical and purely ritual nature interspersed among the ethical and spiritual laws of the original Torah. These prescriptions concerning *Piggul*—sacrificial flesh not to be eaten after three days; *Kilayim*—nonnatural mixture of two kinds of cattle or seed; *Sh'atnez*—mixture of wool

43—SILVER—Moses and the Original Torah—11x12x25 Bask. and linen cloth; and *Orlah*—fruit of trees not to be eaten during the first three years of their planting, are certainly later interpolations among the Words, though the practices themselves may be of ancient origin.

Omitting the few unrelated ritual provisions from their text, as well as the unessential and contradictory expository statements referred to above, the Words of the three codes may well represent the content of the original Torah of Moses.

There is little of formal theology in these Words other than the two foundation doctrines of the faith—the unity of God and the prohibition of images. There is no doctrine here of inherent human depravity and of the need for atonement, redemption, or salvation. The sorrows and despair of the world are not dwelt on, and no way of escape is offered from the trammels of existence. There are no magical formulae here by means of which to constrain the deity, nor any technique of divination by which to ascertain his will. Nothing is said about preexistence, reincarnation, transmigration, a judgment day, resurrection, or immortality. No messiah is promised, no world renewal, no future age, and no kingdom not of this world. Here are clearly indicated ethical guideposts, pointing the way toward a sound and orderly way of life for the individual and society. Here are standards of behavior which do not transcend the limits of man's powers. "For this commandment which I command you this day is not too hard for you, neither is it far off" (Deut. 30:11). Mindful of the frailties of man and of the pitiless impediments of his life on earth, demands are nevertheless made upon him and commands are given him which call for unremitting spiritual effort and aspiration toward the good life and the good society. This is the original Torah which Moses set before the children of Israel according to the command of YHVH—a Torah of monumental simplicity, of lucid clarity, of great depths, but of no mysteries.

#### ACCORDING TO THE COVENANT CODE, EXODUS 20

##### *The Decalogue*

(1) "I am YHVH your God, [It is I, YHVH, your God] who brought you out of the land of Egypt out of the house of bondage.

(2) "You shall have no other gods before me. You shall not make yourself a graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; you shall not bow down to them or serve them; (for I YHVH your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generation of those who hate me, but showing steadfast love to thousands of those who love me and keep my commandments).

(3) "You shall not take the name of YHVH your God in vain; (for YHVH will not hold him guiltless who takes his name in vain).

(4) "Remember the sabbath day, to keep it holy. Six days you shall labor, and do all your work; but the seventh day is a sabbath to YHVH your God; in it you shall not do any work, you, or your son, or your daughter, your manservant, or your maidservant, or your cattle, or the sojourner who is within your gates; (for in six days YHVH made heaven and earth, the sea, and all that is in them, and rested the seventh day; therefore YHVH blessed the sabbath day and hallowed it).

(5) "Honor your father and your mother (that your days may be long in the land which YHVH your God gives you).

(6) "You shall not murder.

(7) "You shall not commit adultery.

(8) "You shall not steal.

(9) "You shall not bear false witness against your neighbor.

(10) "You shall not covet your neighbor's house; you shall not covet your neighbor's wife, or his manservant, or his maidservant, or his ox, or his ass, or anything that is your neighbor's."

#### THE *DEBARIM*—THE "WORDS"

#### ACCORDING TO THE DEUTERONOMIC CODE, DEUTERONOMY 5

##### *The Decalogue*

(1) "I am YHVH your God, [It is I, YHVH, your God] who brought you out of the land of Egypt, out of the house of bondage.

(2) "You shall have no other gods before me. You shall not make for yourself a graven image, or any likeness of anything that is in heaven above, or that is on the earth beneath, or that is in the water under the earth; you shall not bow down to them or serve them; (for I YHVH your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generation of those who hate me, but showing steadfast love to thousands of those who love me and keep my commandments).

(3) "You shall not take the name of YHVH your God in vain; (for YHVH will not hold him guiltless who takes his name in vain).

(4) "Observe the sabbath day, to keep it holy, (as YHVH your God commanded you). Six days you shall labor, and do all your work; but the seventh day is a sabbath to YHVH your God; in it you shall not do any work, you, or your son, or your daughter, or your manservant, or your maidservant, or your ox, or your ass, or any of your cattle, or the sojourner who is within your gates, (that your manservant and your maidservant may rest as well as you. You shall remember that you were a servant in the land of Egypt, and YHVH your God brought you out thence with a mighty hand and an outstretched arm; therefore YHVH your God commanded you to keep the sabbath day).

(5) "Honor your father and your mother, (as YHVH your God commanded you; that your days may be prolonged, and that it may go well with you, in the land which YHVH your God gives you).

(6) "You shall not murder.

(7) "Neither shall you commit adultery.

(8) "Neither shall you steal.

(9) "Neither shall you bear false witness against your neighbor.

(10) "Neither shall you covet your neighbor's wife; and you shall not desire your neighbor's house, his field, or his manservant, or his maidservant, his ox, or his ass, or anything that is your neighbor's."

#### ACCORDING TO THE HOLINESS CODE, LEVITICUS 19

"You shall be holy; for I YHVH your God am holy. Every one of you shall revere his mother and his father, and you shall keep my sabbaths: I am YHVH your God. Do not turn to idols or make for yourselves molten gods: I am YHVH your God.

"You shall not steal, nor deal falsely, nor lie to one another. And you shall not swear by my name falsely (and so profane the name of your God: I am YHVH).

"You shall not oppress your neighbor or rob him. The wages of a hired servant shall not remain with you all night until the morning. You shall not curse the deaf or put a stumbling block before the blind, but you shall fear your God: I am YHVH.

"You shall do no injustice in judgment; you shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor. You shall not go up and down as a slanderer among your people, and you shall not stand forth against the life of your neighbor: I am YHVH.

"You shall not hate your brother in your heart, (but you shall reason with your neighbor, lest you bear sin because of him). You shall not take vengeance or bear any grudge against the sons of your own people, but you shall love your neighbor as yourself: I am YHVH.

"You shall not eat any flesh with the blood in it. You shall not practice augury or witchcraft. You shall not round off the hair on your temples or make the edges of your beard. You shall not make any cuttings in your flesh on account of the dead or tattoo any marks upon you: I am YHVH.

"Do not profane your daughter by making her a harlot, lest the land fall into harlotry and the land become full of wickedness.

"Do not turn to mediums or wizards; do not seek them out, to be defiled by them. I am YHVH your God.

"You shall rise up before the hoary head, and honor the face of an old man, and you shall fear your God: I am YHVH.

"When a stranger sojourns with you in your land, you shall not do him wrong. The stranger who sojourns with you shall be to you as the native among you, and you shall love him as yourself; for you were strangers in the land of Egypt: I am YHVH your God."



# Additional Debarim—"Words"

## IN THE COVENANT CODE

*Note: We include only those additional words which, in one form or another, are found in all three codes and which the prophets asserted were included in the Torah of YHWH and served as the basis for YHWH's Covenant with the people of Israel. (See chapter 3.)*

"When you buy a Hebrew slave, he shall serve six years, and in the seventh he shall go out free, for nothing (Exod. 21:2).<sup>8</sup>

<sup>8</sup>Originally it was probably in the apologetic form as found in Jer. 34:14.

"You shall not wrong a stranger or oppress him, (for you were strangers in the land of Egypt) (Exod. 22:20).

"You shall not afflict any widow or orphan. (If you do afflict them, and they cry out to me, I will surely hear their cry; and my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children fatherless [Exod. 22:21-23]).

"If you lend money to any of my people with you who is poor, you shall not be to him as a creditor, and you shall not exact interest from him (Exod. 22:24).

"You shall not revile God, nor curse a ruler of your people (Exod. 22:27).

"You shall not utter a false report. You shall not join hands with a wicked man, to be a malicious witness. You shall not follow a multitude to do evil; nor shall you bear witness in a suit, turning aside after a multitude, so as to pervert justice; nor shall you be partial to a poor man in his suit (Exod. 23:1-3).

"You shall not pervert the justice due to your poor in his suit (Exod. 23:6).

"Keep far from a false charge, and do not slay the innocent and righteous, (for I will not acquit the wicked) (Exod. 23:7).

"You shall take no bribe, (for a bribe blinds the officials, and subverts the cause of those who are in the right) (Exod. 23:8).

"If your brother becomes poor, and cannot maintain himself with you, you shall maintain him as a stranger and a sojourner he shall live with you. Take no interest from him or increase, but fear your God; (that your brother may live beside you). You shall not lend him your money at interest, nor give him your food for profit. I am YHWH your God, (who brought you forth out of the land of Egypt to give you the land of Canaan, and to be your God) (Lev. 25:35-38).

## IN THE HOLINESS CODE

"If your brother becomes poor beside you, and sells himself to you, you shall not make him serve as a slave: he shall be with you as a hired servant and as a sojourner. He shall serve with you until the year of the jubilee; then he shall go out from you, he and his children with him, and go back to his own family, and return to the possession of his fathers. (For they are my servants, whom I brought forth out of the land of Egypt; they shall not be sold as slaves). You shall not rule over him with harshness, but shall fear your God) (Lev. 25:39-43).<sup>9</sup>

<sup>9</sup>The slave were probably cast originally in the apologetic form.

## IN THE DEUTERONOMIC CODE

"I . . . the stranger for you were strangers in the land of Egypt" (Deut. 10:19).

"(You are the sons of YHWH, your God); you shall not cut yourselves or make any baldness, or your foreheads for the dead" (Deut. 14:1).

"If your brother, a Hebrew man, or a Hebrew woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you. . . . You shall not let him go empty-handed" (Deut. 15:12-13).<sup>10</sup>

<sup>10</sup>See above, p. C6.

"You shall appoint judges and officers in all your towns which YHWH your God gives you, according to your tribes; and they shall judge the people with righteous judgment. You shall not prevent justice; you shall not show partiality; and you shall not take a bribe, (for a bribe blinds the eyes of the wise and subverts the cause of the righteous). Justice, and only justice, you shall follow, that you may live and inherit the land which YHWH your God gives you" (Deut. 16:18-20).

"There shall not be found among you any one who burns his son or his daughter as an offering, any one who practices divination, a soothsayer, or an augur, or a soothsayer, or a charmer, or a medium, or a wizard, or a necromancer" (Deut. 18:10-11).

"You shall not give up to his master a slave who has escaped from his master to you; he shall dwell with you, in your midst, in the place which he shall choose within one of your towns, where it pleases him best; you shall not oppress him" (Deut. 23:16-17).

"You shall not lend upon interest to your brother, interest on money, interest on victuals, interest on anything that is lent for interest" (Deut. 23:19).

"You shall not oppress a hired servant who is poor and needy, whether he is one of your brethren or one of the sojourners who are in your land within your towns; you shall give him his hire on the day he earns it, before the sun goes down. . . ." (Deut. 24:14-15).

"You shall not pervert the justice due to the sojourner, or to the fatherless, or take a widow's garment in pledge; (but you shall remember that you were a slave in Egypt and YHWH your God redeemed you from there; therefore I command you to do this)" (Deut. 24:17-18).

## How Did The Original Torah Fare?

### I. FROM THE CONQUEST TO THE END OF THE UNITED KINGDOM

The original Torah of Moses was often ignored or flouted. It could not be otherwise. Men were unprepared for what it called for, perhaps never would be prepared. Its total rejection of all polytheistic nature-worship and all forms of idolatry, its austere, non-ritualistic worship of the one unseen and un-imaged YHWH, its high ethical demands and its summons to total dedication were the most daring leap yet made in the spiritual forward thrust of mankind. But the backward drag of the old ways of life and belief was there and would always be there—the immemorial customs and the pressures and allurements of the environment. The Torah of Moses would have to do battle for survival and victory. But it would always have its stout champions and defenders.

The story of the religion of Moses is the story of a struggle, at times uneven and seemingly hopeless, to preserve itself from dilution or submergence. Kings, nobles, priests, and common people would often conspire to accomplish just that. They would prefer the way of the heathen, of Egypt, Canaan, Assyria, Babylon, or other neighbors. "Let us be like the nations, like the tribes of the countries, and worship wood and stone" (Ezek. 20:32). At times the people would blame all their misfortunes on the intrusion of YHWH and His Torah into their lives. "As for the word which you have spoken to us in the name of YHWH, we will not listen to you. But we will do everything that we have vowed, burn incense to the queen of Heaven and pour out libations to her, as we did, both we and our fathers, our kings and our princes, in the cities of Judah and in the streets of Jerusalem; for then we had plenty of food, and prospered, and saw no evil. But since we left off burning incense to the queen of heaven and pouring out libations to her, we have lacked everything and have been consumed by the sword and by famine" (Jer. 44:16-18).

They would persecute the prophets who confronted them with the demands of the original Torah. Some they would slay. "They made their hearts like adamant lest they should hear the Torah and the Words which YHWH of hosts had sent by his Spirit through

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the former prophets" (Zech. 7:12). But there would always be the faithful ones, sometimes a few in number, who took the Torah of Moses very much to heart, lived by it, and fought for it. There would be those who would die for it.

The golden calf apostasy which the Levitical narrator maintains took place soon after the people left Egypt, was certainly not an isolated incident in the wilderness. When Israel dwelt in Shittim, we are told, he "yoked himself to Baal of Peor" and sacrificed and bowed down to the gods of Moab.

When the tribes which had sojourned in Egypt returned to Canaan, and settled down to an agricultural life, the threat to the faith of Moses and his Torah increased greatly. Those who had not gone down to Egypt had, through the centuries, become largely assimilated with the other settlers of the country, generally designated as Canaanites, many of whom belonged to the same Semitic stock as did the Hebrews, and shared the same speech. Their way of life and their religious practices came to differ very little from the peoples about them with whom they freely intermarried, although they did not amalgamate with them completely but remained aware of their own tribal distinctiveness and the deity whom their ancestors had worshiped. It is with these more or less assimilated Israelites who had not participated in the migration to Egypt that the stanch Yahvist protagonists who had entered the country with Joshua had their greatest difficulties. The YHWH faith of Moses was not known to them. They had not entered into the new Covenant with YHWH as did those who had stood with Moses at Sinai.

A situation analogous to this occurred in Jewish history many centuries later. The exiles who returned from Babylon in the closing quarter of the sixth century under Shesh-bazzar and his nephew Zerubbabel, and in the fifth century under Ezra and Nehemiah, brought back with them a loyalty to YHWH and to the Torah of Moses which had been heightened in exile by the inspired teachings of great prophets. In Judea they found Jews who through the years which followed the destruction had lapsed into religious laxity, or had assimilated with the aliens who had infiltrated into the country and with whom many had intermarried. So much so, that a violent separation from the "peoples of the land" had to be undertaken and a new covenant of loyalty to YHWH had to be entered into.

Even many of the invading Israelites, though conquerors, could not long resist Canaanitish religious influences. In the course of time, they too appropriated forms of Canaanitish worship. Israel, as we have seen, took over from the Canaanites the great agricultural festival which were connected with the seasons of the year in Palestine. The rituals associated with them which were in the hands of an elaborate priesthood—an institution which was alien to the religion which Moses taught—were often gross, cruel, and obscene. Many Israelites did copy them, and while not abandoning YHWH who remained supreme at all times, they introduced forms of Baal and Aherah worship into His. Under Canaanitish influence, priestcraft developed in Israel. Its scope was probably held in some restraint by the Yahvist prohibition against magic, spells, incantations, charms, and healing by esoteric rites, which were so much a part of the functions of the heathen priests. Religious syncretism or compromise was a common practice in the ancient world, as it is in the modern world. "They feared YHWH but also served their own gods;" is the way the religious amalgam of the people who were imported into Samaria at a much later date is described (2 Kings 17:33). This sanctifying syncretism which was in doctrine and practice a rejection of much of the Torah of Moses, persisted in varying degrees among the masses, the ruling circles, and even the religious leaders throughout the period of the Judges and in both Kingdoms until their final destruction.

However, even in the days of darkest apostasy, YHWH Himself was never imagined. No statue of YHWH has ever been discovered. He was never mythologized. He is never said to have had a consort or progeny. He was never included in a pantheon. To that extent Moses's basic imageless Yahvism was completely successful.

With the establishment and expansion of the united Kingdom and its growing contacts by way of trade, commerce, and diplomacy with neighboring peoples and empires, a process which began with the defeat of the Philistines, foreign gods and their cults were steadily introduced. David himself was zealously devoted to YHWH and single-hearted in his worship of Him, although there were teraphim in the house of David and his wife Michal (1 Sam 19:11-17). His love of YHWH is noted by all who recorded his history, even when they reported his grave moral lapses. During his lifetime, Yahvism was unchallenged in Israel, even as it had been in the days of King Saul. But a radical change occurred in the later part of the reign of King Solomon. From then on Yahvism entered upon periods of dilution and attenuation, especially in the reigns of Ahaz and Manasseh, kings of Judah, and Jeroboam, Baasha, Ahab, and Jeroboam II, kings of Israel. There were times "when as many as your cities are your gods, O Judah" (Jer. 2:28). These kings were not wicked kings; some of them were great kings who brought much prosperity and political and military prestige to their country. But the trend toward religious syncretism was constant and massive, and the universal example of the great nations around them was well nigh irresistible.

But there were always those who, loyal to the old tradition of Moses and the original Torah, *did* resist and with fierce determination. Certain ages produced great Yahvist champions: Samuel, Nathan, Ahijah, Elijah, Elisha, Micaiah ben Imlah, Jehonadab ben Rechab, Jehoiada, and later on the great literary prophets, and prophets like Uriah ben Shemaiah whom King Jehoiakim put to death (Jer. 26:20-23).

Little is known of the period of the Judges. From the narratives recounted, the two-hundred-year period of the Judges was in many ways a time of war, oppression, cruelty, and brutal intertribal feuds. A single reference is made to a prophet who appeared among the people when they were under the rule of the Midianites and condemned them for having given no heed to the voice of YHWH who had said to them: "I am YHWH your God; you shall not pay reverence to the gods of the Amorites, in whose land you dwell" (Judg. 6:8-10).<sup>1</sup>

<sup>1</sup> See above, p. 000.

Gideon destroyed the altar of Baal which his father had built and cut down the Asherah which was beside it, and in their place he built an altar to YHWH; however, "because he was too afraid of his family and the men of the town [presumably all of them Israelites] to do it by day, he did it by night" (Judg. 6:25-27). But Gideon was not averse to making an ephod out of the shekels of gold which he requested of the people and out of the crescents and pendants and the purple garments which were worn by the kings of Midian whom he captured. He set it up in his city of Ophrah, as an holy oracle of YHWH, and "all Israel played the harlot after it there, and it became a snare to Gideon and to his family" (Judg. 8:27). This is the judgment passed upon it by the late redactor of Judges, but the oracular ephod was still in use in the days of David (1 Sam. 23:6, 9; 30:7) and the prophet Hosea (3:4).

A very confused picture of the religion of the people during the battle days of the conquest and settlement of Canaan emerges from the pages of the Book of Judges. The Song of Deborah, a superb poetic product of those days (c. 1150 B.C.E.), speaks of YHWH exaltingly: "the very earth trembled and the mountains quaked, even yon Sinai, because of YHWH, the God of Israel." Israel is "the people of YHWH" ". . . I will sing, I will make melody to YHWH, the God of Israel" (Judg. 3-5). Here one hears the majestic resonance of an heroic, conquering faith.

A different picture altogether emerges from the rather crude and primitive story of Micah. The latter possessed a private shrine, and made himself an ephod and teraphim. When he restored the money



which he had taken from his mother, she "took two hundred pieces of silver, and gave it to the silversmith, who made it into a graven image and a molten image; and it was in the house of Micah." He then hired a wandering Levite, a young man from Bethlehem in Judah, for ten pieces of silver a year, a suit of apparel, and his living, to be his priest. This priest, along with the ephod and teraphim, the graven and the molten image, was carried off from the house of Micah by the warriors of the tribe of Dan who were on the way to their new home in the north. (Jud. 17—18).

There is nothing in the Song of Debroah that is out of harmony with the YHVH concept of the original Torah. There is everything in the Micah story that runs contrary to it. It may well be that the two violently contrasting religious vistas which are glimpsed here, reflect the militant Yahvist faith of the conquering invaders, the Bne Israel under Joshua and his immediate successors, and the faith of the older Hebrew settlers, the Bne Jacob, who had remained in Canaan all through the sojourn of the other Hebrews in Egypt, and were not part of those who returned to Canaan covenanted in the faith of Moses.

With Samuel and the founding of the monarchy, the picture becomes clearer. The days of religious chaos—"when every man did what was right in his own eyes"—are over. We are at the close of the age of invasion, conquest, and settlement which had lasted nearly two hundred years. A marked degree of religious authority and leadership is now centered in the priest-seer-judge Samuel, whom the people recognized: "All Israel from Dan to Beer-sheba knew that Samuel was established as a prophet of YHVH" (1 Sam. 3:20). The life and death struggle with the Philistines had begun. A political consolidation of the tribes became imperative, and to a degree, also a religious consolidation. In this crisis the people turned for guidance to a spiritual personality of great force and statesmanship, Samuel—a majestic religious figure—after Moses, perhaps, the greatest. Later ages coupled their names as the two foremost spiritual leaders and champions of Israel. Jeremiah speaks in God's name: "Though Moses and Samuel stood before me, [interceding for the people] yet my heart would not turn toward this people" (Jer. 15:1). Samuel had been "devoted" for life to a service of YHVH by his mother. He was probably a Nazarite.<sup>2</sup> In later times,

<sup>2</sup> This is also the rabbinic tradition, Naz. 66a.

the rabbis spoke of Samuel as the "master among the prophets" (J. Hagigah 2:77a).

The stewardship of Eli, his predecessor in office at Shiloh, the most important sanctuary of the tribes, where the Ark of the Covenant was lodged, had been undistinguished. "The word of YHVH was rare in those days; there was no frequent vision" (1 Sam. 3:1), and it was marred by the unseemly behavior of his worthless sons. The people had suffered a disastrous defeat at the hands of the Philistines. Their forces had been beaten and scattered, and the Ark had been captured. Samuel rallied the people in their fight against the Philistines by promising them ultimate victory: "If you are returning to YHVH with all your heart, then put away the foreign gods and the Ashtaroth from among you, and direct your heart to YHVH, and serves Him only, then he will deliver you out of the hand of the Philistines" (1 Sam. 7:3). He rallied them in the name of YHVH, who had brought their ancestors victoriously into Canaan. The victory of the Israelites at Mizpah over the Philistines affirmed the prophecy of Samuel and increased his prestige among the people. It increased also the people's faith in YHVH.

When the people demanded of Samuel a king "to govern us like all the nations," such as Canaan, Ammon, Moab, and Edom who had kings, or like the Philistines who were ruled by *sejanim*, leaders or tyrants, so "go out before us and fight our battles," he was reluctant to comply. There was resistance to the crowning of a king all through the period of the Judges. Gideon had refused to accept the crown, and Jotham, his son, upbraided his step-brother, Abimelech, for accepting one from the people of Shechem. The tradition of the tribes knew of no kings and the Torah of Moses made no mention of any. The ancient orient was dominated by the idea of monarchy. Kings possessed autocratic power, or, as in the case of the Pharaohs of Egypt, were actually looked upon as *gods*. Israel resisted the idea of monarchy and regarded the institution with distrust. In now asking for a king, the people were not rejecting Samuel as their judge upon whom the Spirit of YHVH had rested. They were rejecting YHVH from being king over them (1 Sam. 8:7). Samuel solemnly warned them of the way of a king, as Moses might have warned his generation of the way of a Pharaoh in Egypt. 1 Sam. 8:10-17 is an accurate picture of the exploitation of the people of Egypt under their rulers. The spirit of Moses, which combated royal tyranny and oppression, now speaks through the mouth of Samuel.

The final testament which Samuel, anointer of two kings, bequeathed to Israel before he died reveals the major emphasis and interest of his life. In simple and profoundly moving words, he reviewed his life in the hearing of the people and the king: "I am old and gray, . . . I have walked before you from my youth until this day. Here I am; testify against me before YH<sup>7</sup>H and before his anointed. Whose ox have I taken? Or whose ass have I taken? Or whom have I defrauded? Whom have I oppressed? Or from whose hand have I taken a bribe to blind my eyes with it? Testify against me and I will restore it to you. . . . Now therefore stand still, that I may plead with you before YHVH concerning all the saving deeds of YHVH which he performed for you and for your fathers. . . . If you will fear YHVH and serve him and hearken to his voice and not rebel against the commandment of YHVH, and if both you and the king who reigns over you will follow YHVH your God, it will be well" (1 Sam. 12).

It is quite likely, as we suggested earlier, that the first code of laws of the Pentateuch, the Covenant Code (Exodus 20—23) was compiled by Samuel himself or under his supervision. During the many years that he acted as judge, not only in his home city of Ramah, but on his annual circuit tours of Bethel, Gilgal, and Mizpah (1 Sam. 7:16), Samuel must have collected the judgments which he and his predecessors had rendered, and written them down for the guidance of future generations. He appointed his own sons in his old age as judges over Israel. That he was accustomed to write down important legal matters is attested by the account in 1 Sam. 10:25. Following the election of Saul, as the first king of Israel: "Samuel declared to the people what the rights and duties of the kingship were; and he wrote them in a book and laid it up before YHVH," in or near the Ark where evidently all important tribal documents were kept.

We have earlier indicated that Saul and David, the first two kings of united Israel, were loyal to the worship of YHVH and did not countenance the establishment of alien cults. Saul, in his dark hour, on the night before his final battle with the Philistines wherein he met his death, was driven to consult a medium at Endor. This was in direct violation of the Torah of Moses. Saul himself had eradicated the mediums and the wizards from the land. But in his des-

47—SILVER—Moses and the Original Torah—11 x 12 x 25 Bask.  
perate emergency, alone, forsaken, and afraid, he had need to consult Samuel—now dead—his trusted, stern, and forthright friend.

David was guilty of a grave moral transgression. In Nathan who rebuked him, we have the first instance of a prophet who rose to the defense of one of the cardinal *moral*, not *theologic*, principles of the Torah of Moses. In the Bath-sheba affair, King David committed adultery with the wife of another man and had that man, one of his loyal and valiant soldiers, put treacherously to death.

In the rebuke of the prophet Nathan, couched in the form of the immortal parable of the rich man who robbed the poor man of his one little ewe lamb, and in its ringing climax which has reverberated down the ages: "You are the man!" we see Hebrew prophecy at its highest, even though we are still at the very beginning, as it were, of Hebrew prophecy. But the Torah of Moses was there and in its name, and in its defense, Nathan rose to champion its moral demands even to the very face of a king: "Why have you despised the Word of YHVH, to do what is evil in his sight? You have smitten Uriah the Hittite with the sword, and have taken his wife to be your wife, . . . by this deed you have utterly scorned YHVH" (2 Sam. 12).

With Solomon came wealth, splendor, and peace to the greatly expanded empire. Numerous contacts were established with foreign nations, commercial, cultural, and religious, especially with Egypt. King Solomon made a marriage alliance with the Pharaoh of Egypt. He married his daughter and brought her to Jerusalem. Like some of the Pharaohs of Egypt, Solomon was a great builder. He built the Temple, his own palaces, the Millo and the wall of Jerusalem and rebuilt Hazor, Meggido and Gezer, Bethhoron, Baalath and Tamar in the wilderness, and numerous store-cities and cities for his chariots and horsemen, and whatever else he "desired to build in Jerusalem, in Lebanon, and in all the land of his dominion" (1 Kings 9:15-19). Like the Pharaohs he employed forced labor. He reduced to forced labor "all the people who were left of the Amorites, the Hittites, the Perizzites, the Hivites, and the Jebusites, who were not of the people of Israel—their descendants who were left after them in the land, whom the people of Israel were unable to destroy utterly," exactly as the Pharaoh of Egypt had enslaved the Hebrews and forced them to build his store-cities, fortresses, and temples. Solomon also imposed heavy taxes upon the people to pay for his vast building operations.

The worship of YHVH was officially exalted. A magnificent Temple modeled after Phoenician temples, in monumental splendor comparable to the finest in the ancient world, was erected in Jerusalem to YHVH. But it was pagan in architecture and pagan, also, in its elaborate cult of ritual, sacrifice, and priesthood. It was a far cry from what Moses and his Torah had envisaged. It certainly was not, nor was it intended to become, the center of uncompromising opposition to paganism. Solomon himself turned to other gods. ". . . and his heart was not wholly true to YHVH his God, as was the heart of David his father. For Solomon went after Ashtoreth the goddess of the Sidonians, and after Milcom the abomination of the Ammonites. . . . Then Solomon built a high place for Chemosh the abomination of Moab, and for Molech the abomination of the Ammonites" (1 Kings 11:4-8). The narrator of the history of Solomon, in the Book of Kings, suggests that all this was due to the many foreign wives whom Solomon loved, and who, in his old age, turned away his heart after other gods. Be that as it may, it was the first time in history that a king of Israel gave royal approval to a religious syncretism which was in direct opposition to the teachings of the Torah of Moses. It was not to be the last time.

Few rose to challenge King Solomon. His prestige was too great, the prosperity of the land under his reign too apparent. No prophet appeared to ask what was the meaning and purpose of this sumptuous House of YHVH built of precious wood and stone, with its huge bronze pillars and capitals, its vast molten sea standing upon twelve oxen, its bronze stands and levers, and its golden altars, tables, lamps, and vessels without number. None asked the import nor challenged the efficacy of the animal sacrifices—"so many sheep and oxen that they could not be counted or numbered." The Torah of Moses, as prophets later on took pains to point out, did not command the bringing of any sacrifices.

The beautiful prayer of dedication which was put in the mouth of King Solomon by a later writer of the prophetic tradition of YHVH, hints at the doubts and questions which must undoubtedly have been raised in the minds of the faithful followers of the Torah of Moses when the Temple was dedicated, but which remained unspoken. "But will YHVH indeed dwell on the earth? Behold, heaven and the highest heaven cannot contain thee; how much less this house which I have built!" Nothing is said in that profoundly moving utterance (1 Kings 8:27-55) about sacrifices, but very much about prayer. For all the sins of men, or of the people of Israel as a whole, or of the foreigner who is not of the people of Israel and comes from a far country, whenever they turn to this House in prayer, each knowing the affliction of his own heart, ". . . hear thou in heaven thy dwelling place; and when thou hearest, forgive."

Only one prophetic voice is raised in protest against Solomon, that of Ahijah of Shiloh. Like Samuel, who anointed David as punishment for Saul's disobedience, Ahijah anointed Jeroboam the son of Nebat to be king over Israel, and prophesied the division of the Kingdom after the death of Solomon, "because he has forsaken me, and worshipped Ashtoreth . . . Chemosh . . . Milcom . . . and has not walked in my ways" (1 Kings 11:33).

King Solomon, by giving his royal approval and toleration to radically opposed systems of faith and practice in his capital, greatly contributed to the spiritual chaos and confusion in religious values which persisted for so long among the people, and against which the loyal Yahvists, rejecting all compromises, had to wage such relentless warfare.

#### IN THE KINGDOM OF JUDAH

Rehoboam improved on the example of his father Solomon. In his reign, "they built for themselves high places, and pillars, and Asherim on every high hill and under every green tree; and there were also male cult prostitutes in the land" (1 Kings 14:23-24). His son Abijah followed his example. He built many idols and his mother made "an abominable image" for Asherah (1 Kings 15:12-13). So for more than a generation, and in spite of the glorious Temple in Jerusalem, the clean worship of YHVH as the Torah of Moses envisaged it suffered a sharp defeat. The ground from under its feet was cut away by the kings of Judah themselves, who were the anointed of YHVH.

Nevertheless, the defeat was not permanent. Fierce loyalty to the YHVH faith as well as strong resentment of royal collusion with heathendom must have persisted in important circles, for Aza, upon his accession to the throne, boldly reversed the trend. He forced through a religious reformation, a drastic disentanglement from the skein of heathen practices, and a return to an uncontaminated worship of YHVH. He drove the *kedeshim*, the sodomites, from the land. These, as we noted, already existed in the days of Rehoboam



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and may have been introduced even earlier during Solomon's reign (1 Kings 14:24). Asa deposed his own mother, the dowager queen Maacah, because she had built the obscene image to Asherah, which he cut down and had burned in the city dump, in the Wadi Kodron (1 Kings 15:12-13). The Talmud retains the tradition that she was devoted to the worship of a phallic deity.<sup>3</sup> This purging process,

<sup>3</sup> Ab. Zar 44a.

which was in this instance inspired by the prophet Azariah ben Oded, was to be repeated time and again in the following centuries until the very end of the kingdom. The reformations, however, were invariably followed by reactions and within each recoil another attack soon gathered. The faith of Moses never triumphed fully in Judah, but neither did it ever suffer total defeat. Like the dry water-course in the Negeb, it waited for the season of rain and flood which was sure to come.

It appears from Chronicles that a new covenant was entered into by King Asa and the people "to seek YHVH, the God of their father: will all their heart and with all their soul; and that whoever would not seek YHVH, the God of Israel, should be put to death, whether young or old, man or woman" (2 Chron. 15, which is reminiscent of the law on idolatry found in Deuteronomy). The central feature of this covenant was probably the expulsion of the *kedshim* and the prohibition of all the indecent rites which were associated with the fertility cults.

His son Jehoshaphat continued the reforms initiated by his father and carried on an active campaign in its behalf. Again quoting the Chronicler, Jehoshaphat sent a number of men of his court, and priests, and Levites to teach in the cities of Judah. "And they taught in Judah, having the book of the Torah of YHVH with them; they went about through all the cities of Judah and taught among the people" (2 Chron. 17:7-9).

In the reign of these two kings, other prophets appear on the scene who, in their zeal for YHVH, challenge even these "good" kings. Hanani, the seer, denounced Asa for having made an alliance with the king of Syria against the king of Israel and for not having relied on YHVH. Asa, greatly enraged, had him put in prison (2 Chron. 16:7-10). Jehu, the son of Hanani, confronted Jehoshaphat after he returned from the battle of Ramot-gilead and denounced him for having joined forces with King Ahab of Israel, the enemy of YHVH (2 Chron. 19:2). For half a century and more (913-850), Yahvism may be said to have thrived in the Kingdom of Judah.

But the reaction soon set in, though it lasted only fifteen years. Jehoram, the son of Jehoshaphat, who had married Athaliah, the daughter of Ahab and Jezebel—the latter the most active protagonist of Baalism in Israel—reintroduced Baal worship in Judah (2 Kings 8:16-18). His son Ahaziah, during his brief reign, followed in his footsteps, and the reaction was continued, of course, under Athaliah who ruled for six years. The major Yahvist revolt which followed was especially directed against the outright efforts to supplant Yahvism with Baalism, which were ruthlessly prosecuted by Jezebel in the North and her daughter Athaliah in the South. It was led by the priest, Jehoiada. Athaliah was slain. Joash, who alone had been saved when Athaliah slew all King Ahaziah's sons, was made king. Jehoiada then made a new covenant between the king, the people, and YHVH, "to be the people of YHVH." The people tore down the temple of Baal and broke in pieces his altars and his images (2 Kings 11). Joash remained faithful to the covenant. And so did his son Amaziah, and his son Azariah, and Jotham, Azariah's son. Thus for a long period of over a hundred years (c. 837-735) Yahvism may be said to have had no royal opposition in Judah.

Under Ahaz (c. 735-715) a reaction again set in. Among the heathen practices with which he is charged is the burning of his own son as an offering. The reference to "the altars on the roof of the upper chamber of Ahaz," in connection with the horses and chariots which were dedicated to the sun, suggests that the cult of the sun-goddess (the queen of heaven) and the worship of other heavenly bodies was introduced in Judah in the days of Ahaz.

The Assyrian empire had now begun to extend her power westward. Her main objective was the conquest of Egypt. The Kingdoms of Israel and Judah lay in her path. These kingdoms were now confronted with the grave political choice of aligning with one or another of the two great empires or of confederating with other western states like Syria, to halt the Assyrian advance which threatened to engulf them. Whichever choice was made was fraught with great danger. Ahaz of Judah refused to join a northern confederation against Assyria. His kingdom had already been reduced in size. Elah had been retaken by Edom (2 Kings 16:6). The Philistines had made successful raids on the Shephelah and the Negeb and had captured many cities (2 Chron. 28:16-18). Because of his refusal to join the confederacy against Assyria, Judah was now threatened by Israel and Syria. Their combined armies had inflicted severe defeats on the forces of Ahaz and they were now besieging the city of Jerusalem itself. Ahaz therefore appealed to Tiglath-pileser III of Assyria to "come up and rescue me from the hand of the king of Syria and from the hand of the king of Israel who are attacking me" (2 Kings 16:7). Tiglath-pileser came up and captured some of the northern cities of Israel and carried off captives to Assyria (733). But now not only Israel, but Judah also became a vassal state of Assyria. In 721 Sargon II captured Samaria, deported some thirty thousand of its people, and put an end to the existence of the Kingdom of Israel.

It was a turbulent age. The repercussions in Judah of the fall of Israel were tremendous. A great fear seized the rulers and people of Judah and a great searching of hearts ensued. The forces of YHVH then rallied. Disaster had befallen the people of Israel, they maintained, because they had forsaken the Torah which YHVH had commanded. They went after false idols, they made molten images and an asherah, and worshipped all the host of heaven and served Baal. They burned their sons and their daughters as offerings, and used divination and sorcery. They imitated the nations around them concerning whom YHVH had commanded that they should not do like them (2 Kings 17:7-18). If a similar disaster were not to befall Judah, there must transpire a thoroughgoing reformation in the lives of its people. For behold, cried the prophet Isaiah, YHVH had used Assyria as the rod of His anger to punish the godless nation of Israel (Isa. 10:5).

In the new king, Hezekiah (c. 715-687 B.C.E.), who ruled over Judah for twenty-nine years following the fall of Israel, years which witnessed also the invasion of Judah by Sennacherib, the forces of YHVH found a powerful ally. "He trusted in YHVH the God of Israel; so that there was none like him among all the kings of Judah after him, nor among those who were before him" (2 Kings 18:5).

He was the first king in the history of Judah to abolish the *Bamot*, the high places, the many local shrines where the people had been accustomed to worship and to bring their offerings to YHVH ever since they entered Canaan. Hezekiah's action in centering the sacrificial cult in Jerusalem was a stupendous religious revolution. Hezekiah removed all traces of idolatry from the land. He even broke in

49—SILVER—Moses and the Original Torah—11x12x25 Bask. pieces the Nehushtan, the bronze serpent fetish which was attributed to Moses, "for until those days the people of Israel had burned incense to it" (2 Kings 18:4). "He held fast to YHVH; he did not depart from following him, but kept the commandments which YHVH commanded Moses" (2 Kings 18:6). The later rabbis speak of Hezekiah as one who not only fulfilled all that was ordained in the Torah, but as one who encouraged its study among the people, and in whose generation the knowledge of the Torah was widespread.<sup>4</sup>

<sup>4</sup> Sanhedrin 20a.

But the reformation of Hezekiah did not last long. In the reign of his son, Manasseh (fifty-five years, the longest of all the kings of Judah), his work was undone. Manasseh restored what his father had cast out. A full catalogue of his heathen practices is given in the Book of Kings (chapter 21). It was the period of great Assyrian ascendancy. In 671, Esarhaddon of Assyria conquered Egypt and for half a century Assyria dominated the world. With Assyria on the borders of Judah, and its garrisons stationed in the principal cities of Samaria, Manasseh was throughout most of his reign completely submissive to it. When, toward the end of his reign, he attempted to take sides in a war between Shamesh-Shum-ukin of Babylonia and Ashurbanipal of Assyria, he was taken in chains by the latter and carried off to Babylon, but was later restored (2 Chron. 33:11). Assyrian religious influences undoubtedly penetrated Judah and it was during the reign of Manasseh that the Assyrian worship of the heavenly bodies was reintroduced into Judah (2 Kings 21:3-5). His son, Amon, carried on in his tradition for twenty-two years; and so for three-quarters of a century ascendancy was with the forces of syncretism and religious amalgamation.

The pendulum swung back again when Josiah, Amon's son, came to the throne. It was during his reign (c. 640-609), in the year 621 B.C.E., that the Book of the Torah was found in the Temple. When it was read to the king, he rent his clothes, for he realized that "our fathers have not obeyed the 'Words' of this book," . . . After consulting the prophetess Huldah, the king assembled all the people of Jerusalem and read in their hearing all the Words of the Book of the Covenant which had been found. A new covenant was then made "to walk after YHVH and to keep his commandments . . . to perform the words of this covenant that were written in this book;" and all the people joined in the covenant (2 Kings 22-23).

This reformation was especially aimed at the worship of the heavenly bodies, particularly of the queen of heaven, which had grown in popular favor, and against which the prophets of the day directed their invectives.<sup>5</sup> The cleansing and purging process

See *supra* p. 000.

was carried out in earnest, first in the Temple itself and then throughout the country. It was the most thoroughgoing action of all his reforming predecessors (2 Kings 23). Whether the book that was found was the Deuteronomic Code as we have it or a version of the earlier Covenant or Holiness Codes remains a moot question. But a book was found and read to the people, and it brought about a religious revolution which was directed toward the pure worship of YHVH as called for in the Torah of Moses.

However, even Josiah's drastic reformation was short-lived. The prophet Ezekiel, whose early career coincided with the closing years of the Kingdom of Judah, inveighs against the existence of the very heathen practices which the reformation of Josiah set out to suppress. "Wherefore say to the house of Israel, Thus says YHVH Elohim: Will you defile yourselves after the manner of your fathers and go astray after their detestable things? When you offer your gifts and sacrifice your sons by fire, you defile yourselves with all your idols to this day" (Ezek. 20:30-31). In the Temple itself he found images, and people worshipping Tammuz and the sun (chapter 8).

Neither the son of Josiah, Jehoahaz, whose reign was very brief, nor his brother, Jehoiakim, carried on the reformation of their father. Nor did Josiah's grandson, Jehoiakin, during whose reign Nebuchadnezzar carried away the first Judean captives to Babylon. Zedekiah, the last king of Judah, was no better. "They all did what was evil in the sight of YHVH." The final destruction of the Kingdom of Judah now took place. The Temple of YHVH was burned to the ground, and "Judah was taken into exile out of its land" (2 Kings 25).

#### IN THE KINGDOM OF ISRAEL

The struggle to preserve the pure faith of YHVH and the Torah of Moses in Israel—its original home in Palestine—was just as intense. It did not end when the Kingdom of Israel was destroyed and its leaders and people of importance were exiled and scattered (722 B.C.E.). Not all who remained intermixed and fused with the alien and heathen colonists whom the conquerors imported. Nearly a century and half later, Israelites from the North were still coming to Jerusalem to offer sacrifices at the site of the Temple, even after it had been destroyed: "On the day after the murder of Gedaliah, before any one knew of it, eighty men arrived from Shechem, and Shiloh and Samaria, with their beards shaved and their clothes torn, and their bodies gashed, [either as a sign of mourning or repentance] bringing cereal offerings and incense to present at the temple of YHVH" (Jer. 41:4-5). Nor were all of the deportees to the distant regions of the Assyrian empire "lost." They did not all abandon their religion at the time of their deportation, nor the hope of restoration to their native Israel. Among them there were undoubtedly many YHVH loyalists, priests, prophets, and laymen. They most certainly must have taken the original Torah of Moses and the code of their laws along with them into exile. We have no reason to assume that they were more harshly treated than the later Judean deportees in Babylon or that some of them did not rise to prominence and become influential later on in the courts of Babylon and Persia. It is not unlikely that they kept in contact with their fellow Israelites in Samaria who had not been deported and who represented by far the great majority of the people. The latter in all likelihood tried to maintain contact with them. The prophets of Judah never wrote them off. They envisioned the day of their restoration and of their ultimate reunion with Judah. In all probability too, they came in contact with the Judeans who were deported to Babylon at a later time, in 597, 586, and 583 to regions in Mesopotamia not far removed from them.<sup>6</sup>

<sup>6</sup> See W. J. Albright, *Bulletin Amer. School Oriental Research* 149 (1958), pp. 33-36.

The people of Israel were no more lax in their faith or more corrupt in their morals than the people of Judah. The moral lives of the Judeans and their frequent backsliding from the true faith came under the wrathful condemnation of the prophets as often as those of Israel. In fact, the prophet Ezekiel contended that the Judeans were *more* corrupt in all their ways than the people of Samaria, and even the people of Sodom. "Samaria has not committed half your sins; you have committed more abominations than they, and have made your sisters [Samaria and Edom] appear righteous by all the abominations which you have committed" (Ezek. 16:43-52; see also Ezek. 23:11).

The Yahvist faith continued—it did not, of course, flourish—among the Israelites of the North, long after some of their people had been deported by Assyria.



When the Babylonian empire was overthrown by Persia and permission was granted by Cyrus to all Jews who had been previously deported to return to their homes, it may readily be assumed that such permission was not limited to Judeans only. The policy of Cyrus not to deport conquered peoples, to respect their religion, to permit those who had been deported to return to their original homes, and to rebuild the sanctuaries of their gods, applied to all peoples. The Judeans availed themselves of this general policy and the Northern Israelites in exile, in all probability, did the same.<sup>7</sup>

<sup>7</sup> See *Ancient Near Eastern Texts*, ed. J. B. Pritchard, 1950, pp. 315-16.

According to the Samaritan chronicles, no less than 37,000 Israelites returned from exile under the High Priest Abdael.<sup>8</sup> This return, if

<sup>8</sup> Moses Gaster, *The Samaritans*, 1925, p. 31.

true, after a lapse of nearly two centuries, would be strong evidence of a remarkable loyalty and steadfastness on the part of many of the deported Israelites. According to Samaritan records, there was an even earlier return—the First Return—of Northern Israelites to Samaria.<sup>9</sup> The Samaritans during the Second Commonwealth kept

<sup>9</sup> *Ibid.*, pp. 20-21.

in close touch with their brethren in Persia.<sup>10</sup>

<sup>10</sup> It is quite likely that it was from the descendants of these circles of Israelite deportees that some of the early recruits to Karaism in the later centuries came.

But due to the bitter rivalries which gained momentum with the years in the postexilic centuries, the breach widened between the people of Judah and those of Samaria until an irreparable break took place, and what was one religion became to all intents and purposes two.

The secession of the tribes of the North in the days of Jeroboam weakened the traditional YHVH faith that had achieved national unity among the tribes and that had sustained it. A divided Israel spelled a weakened people and a weakened Yahvism.

There were few among the kings of Israel who were strong YHVH loyalists. Only one carried out a pro-YHVH reformation—Jehu (842-815 B.C.E.Q.). He overthrew the dynasty of Ahab and his purge of Baal prophets and worshipers was thoroughgoing, frightful, and bloody.

Jehu was guided in his reformation by Elisha, the disciple of the foremost enemy of syncretism in Israel, the militant prophet Elijah, who, stern and remorseless of purpose, swept through his age like a storm of uncompromising religious zeal. He was zealous for YHVH and for the Torah of Moses, and it was to Mount Horeb that he went, in his dark hour of spiritual desolation when he fled from those who sought his life, to be reassured and to be rededicated to his mission. "The people of Israel have forsaken thy covenant, . . . and slain thy prophets with the sword; . . . I alone am left; and they seek my life, to take it away. . . . And YHVH said to him, 'Go, return on your way'" (1 Kings 19:9-18).

In Elijah's day, a powerful Baalist movement gained headway among the people and threatened the very survival of Yahvism in Israel. The movement was not only sanctioned, but actively encouraged by the royal family of Omri, and especially by Queen Jezebel, the Phoenician princess, daughter of King Eth-baal of Tyre and a former priestess of the Tyrean Baal and Astarte, whom Ahab, the son of Omri, had married. She had altars and temples built to Baal and Asherah, whom she and Ahab worshiped, and filled the land with their priests and prophets. The prophets of YHVH were relentlessly persecuted even though the worship of YHVH was not officially outlawed. Elijah sensed the danger to the YHVH faith in this syncretism which was actively encouraged by the rulers of the land. He raised the cry in Israel: "How long will you go limping with two different opinions? If YHVH is God, follow him; but if Baal, then follow him" (1 Kings 18:21).

Elisha, on whom the mantle of Elijah fell, carried on his master's mission. He deputized one of his guild of prophets to anoint Jehu, and so gave sanction and inspiration to the latter's revolt, and to the reformation which followed.

Jehu was also encouraged in his reformation by Jehonadab, the son of Rechab, who was evidently the head of an important brotherhood of puritanical pro-Yahvists—so important that the king himself invited his cooperation: "Come with me, and see my zeal for YHVH" (2 Kings 10:16). Rechab was a Kenite, an off-shoot branch of the Midianites, who helped the tribes of Israel on their way to Canaan, and subsequently also in the time of the Judges. Among them were those who shared the faith of YHVH. Jehonadab was the head of this order which committed its members to abstain from wine, to dwell in tents and not to sow grain or plant vineyards, so as to avoid the corrupting influences of urban civilization which, they believed, contributed to apostasy from YHVH. Much later, Jeremiah praised the faithfulness of these Rechabites, and held them up as an example to faithless Judah (Jer. 35).

No other king in Israel is reported to have done what Jehu did, or what Asa, Jehoshaphat, Joash, Hezekiah, or Josiah did in Judah. The struggle in Israel for the Torah of YHVH was, however, carried on by great prophets like Hosea, Amos, Micah, and Isaiah. Whether living in Israel or Judah, these prophets did not confine their preachments to their native homes. They carried their message beyond their borders. While recognizing, of course, the political division of Judah and Israel, they lamented it, and hoped for an ultimate reconciliation. The prophet Hosea looked hopefully to the day when "the people of Judah and the people of Israel shall be gathered together, and shall appoint for themselves one head" (Hos. 2:2).

Jeremiah, the stern and bitter prophet, whose heart however was full of compassion for his suffering people, speaks reassuringly to them: "I will restore Israel to his pasture, and he shall feed on Carmel and in Bashan, and his desire shall be satisfied on the hills of Ephraim and in Gilead. In those days and in that time, says YHVH, iniquity shall be sought in Israel, and there shall be none; and sin in Judah, and none shall be found; for I will pardon those whom I leave as a remnant" (Jer. 50:19-20). Again and again, the comforting hope is held out to the people: "I will restore the fortunes of Judah and the fortunes of Israel, and rebuild them as they were at first" (33:7). "Again I will build you, and you shall be built, O virgin Israel!" (31:4).

Even after both kingdoms were destroyed and both peoples found themselves in exile, their spiritual leaders visioned the day of an ultimate reconciliation of Israel and Judah. "Thus says the Lord YHVH: Behold, I am about to take the stick of Joseph (which is in the hand of Ephraim) and the tribes of Israel associated with him; and I will join with it the stick of Judah, and make them one stick, that they may be one in my hand. . . . Behold, I will take the people of Israel from the nations among which they have gone, and I will gather them from all sides, and bring them to their own land; and I will make them one nation in the land, upon the mountains of Israel; and one king shall be king over them all; and they shall be no longer two nations, and no longer divided into two kingdoms. They shall not defile themselves any more with their idols and their detestable things, . . . and they shall be my people, and I will be their God" (Ezek. 37:19-23; see also Isa. 11:11-13).

An earnest effort was made by some of the kings of Judah to win back the inhabitants of Israel, after their kingdom had been destroyed, to religious unity with Judah. King Hezekiah (c. 715–687), after he renovated the Temple in Jerusalem which had been thoroughly neglected by his father, Ahaz, addressed himself directly to the people of Israel, who had but recently been conquered by Assyria, and invited those who had escaped deportation to come to Jerusalem and join with the people of Judah in the celebration of Passover. King Hezekiah may also have entertained hopes of recovering some of the territory of Israel and incorporating it into his own. He even set the date of the Passover celebration a month later in order to accommodate the people of Israel whose early harvest season was a few weeks later than in the South. King Jeroboam of Israel, it will be recalled, had set the Succot festival a month later for the same reason. "O people of Israel, return to YHVH, the God of Abraham, Isaac, and Israel, that he may turn again to the remnant of you who have escaped from the hand of the kings of Assyria. . . . Do not now be stiff-necked as your fathers were, but yield yourselves to YHVH, and come to his sanctuary, which he has sanctified for ever, and serve YHVH your God, that his fierce anger may turn away from you. For if you return to YHVH, your brethren and your children will find compassion with their captors, and return to this land." The messengers of the King were greeted with laughter and taunts by most of the people of the North. Some, however, did come (2 Chron. 30).

King Josiah, after he had repaired the Temple and carried out his reformation which extended also to areas in the former Northern Kingdom, Samaria and Gilead, which he reconquered, likewise invited the people of Israel to join with the people of Judah in the celebration of the Passover.<sup>11</sup> During Josiah's reign the power of Assyria

<sup>11</sup> Josiah was the only king, said the rabbis, since Solomon to rule over Judah and Israel (Megilah 14b).

began to decline sharply. The Scythian invasion (626) resulted in the loss of the entire west. Earlier, Egypt had regained her independence from Assyria, and in 612 Nineveh fell. Josiah seized the moment of Assyria's rapid decline to reestablish Judah's full independence and to annex parts of the former Kingdom of Israel. The Chronicler states that some of the people of Israel had actually donated funds to help defray the cost of renovating the Temple in Jerusalem (2 Chron. 34:9). This time, presumably, more of the Jews of the North were present and "No Passover like it had been kept in Israel since the days of Samuel the prophet; none of the kings of Israel had kept such a passover as was kept by Josiah" (2 Chron. 35:18).

The prophets never acknowledged any spiritual division between the two peoples. YHVH was the God of both; the Covenant embraced both, and both shared a common responsibility to Him and His Torah.

The literary prophets, like their predecessors who did not leave any writings, called not only for an end to the gross worship of foreign gods and to all forms of syncretism but also for the application of the moral and ethical teachings of the Torah of Moses to the daily life of the people and of the nation as a whole. The two were inseparably related. The One and Holy YHVH was "sanctified through righteousness." Morality was the essential condition of YHVH worship, the preliminary to the true faith. An inner awareness of YHVH expressed itself compulsively in ethical conduct. Wrongdoing was sacrilege. And so when Ahab connived in the death of Naboth, because the latter would not sell his ancestral vineyard which the king coveted, Elijah faced the king, even as Nathan had faced David and proclaimed, "How can I tell you who have killed and also taken possession? . . . Thus says YHVH, in the place where dogs licked up the blood of Naboth, shall dogs lick your own blood." (1 Kings 21).

As wealth increased, so did exploitation and injustice, greed, and all the moral corruptions which follow. Just as wealth was the cause of apostasy—"The more his fruit increased the more altars he built; as his country improved he improved his pillars" (Hosea 10:1)—so was it the cause of social injustice and corruption. The prophets turned their attention to those who "sell the righteous for silver, and the needy for a pair of shoes—they that trample the head of the poor into the dust of the earth, and turn aside the way of the afflicted" (Amos 2:6–7). The Torah of Moses had enjoined upon the people not to oppress the poor, the orphan, and the widow and not to pervert justice or take a bribe. Altars reeking with sacrifices were not what YHVH in His Torah had commanded. The struggle for YHVH and His Torah was a struggle for a juster and nobler way of life for individuals and for the nation as a whole.

The prophets of Israel, for all their zeal, earnestness, and suffering never succeeded in building the holy nation that the Torah of Moses envisaged. Israel remained unrepentant until the very end, though there were many Israelites who remained thoroughly loyal to YHVH. The struggle, however, was not unavailing. Samaria lay in ruins never to be restored. But the hopes and ideals of the prophets and their exhortations did not perish. They continued to stir the hearts and lives of many generations of men far beyond the limits in time or space of ancient Israel. Their words have gone out to the ends of the earth.

#### IV. IN THE POSTEXILIC PERIOD

Those who remained in Judah after the Destruction in 586, "the vine-dressers and the glowmen, the poorest of the land," were certainly no more devout Yahvists and their beliefs no less tainted with heathendom than many of those who had been exiled. The hope for the restoration of a pure Yahvism clearly did not rest with them any more than with those who remained in the North after the deportation. Judah soon came to be infiltrated by aliens, not by imported colonists like Israel after the Assyrian conquest, but by the neighboring peoples of Edom, Trans-Jordan, and the coastland. If there was any hope it lay with the select among those who had been exiled to Babylon and who constituted the substantial elements of the people. The Diaspora would have to come to the rescue of Yahvism, as it would be called upon to do time and again in the crises of future generations.

Would the national disaster, the ruin of their land, and their personal bitter experiences sober the people or utterly demoralize them? Would there arise among them leaders, intrepid and perspicacious, who would interpret for them the tragic events in such a way as to enable them to discover in defeat, loss, and suffering a challenge to spiritual rebirth? And would they listen to them?

In the generation immediately following the defeat of the nation, the destruction of the Temple, and the disastrous deportations, the morale of the people had collapsed. Black despair overwhelmed them. "My way is hid from YHVH, and my right is disregarded by

52—SILVER—Moses and the Original Torah—11x12x25 Bask.  
my God" (Isa. 40:27) was the thought that possessed many of the people. "YHVH has forsaken me, my God has forgotten me" (Isa. 49:14). "Our transgressions and our sins are upon us, and we waste away because of them; how then can we live?" (Ezek. 33:10). There were those who forsook YHVH completely (Isa. 65:11) and turned to all forms of heathen worship: sacrificing in gardens and burning incense upon bricks, sitting in tombs and spending the night in secret places, eating swine's flesh and broth of abominable things in vessels, setting a table to Fortune and filling cups of mixed wine for Destiny (Isa. 65:3-4, 11). A wave of apostasy and hopelessness seemed to engulf the people and threaten the nation's very survival.

Fortunately for future Israel and for humanity, there were among them laymen, priests, and prophets who rose to battle vigorously against the onslaught of defeatism and defection. "YHVH is the everlasting God," they proclaimed, "the Creator of the ends of the earth. He does not faint or grow weary, his plan is unsearchable. He gives power to the faint, and to him who has no might he increases strength. . . . they who wait for YHVH shall renew their strength, they shall mount up with wings like eagles" (Isa. 40:28-31). These men spoke confidently of a future which would be more glorious than anything in the past, of a regenerated and a restored Israel. The exile, they insisted, was YHVH's way of purifying the people. "I will scatter you among the nations and disperse you through the countries, and I will consume your filthiness out of you" (Ezek. 22:15). YHVH, cried Ezekiel, will not long tolerate the reproach and taunt of the nations who say: "These are the people of YHVH, and yet they had to go out of his land." He will soon arise to vindicate His name. "It is not for your sake, O house of Israel, that I am about to act, but for the sake of my holy name, which you have profaned among the nations to which you came" (Ezek. 36). YHVH is determined to manifest His holiness in the sight of the nations by restoring Israel to its land (Ezek. 20:41).

There were spiritual leaders who saw even further, beyond purgation and vindication, even beyond divine forgiveness and reconciliation. Israel could become, if it wished, the servant of YHVH to the nations, a light unto the world! This new and daring thought was to become a major theme in postexilic Yahvism.

The Babylonian exile destroyed many illusions, foremost among them the one that had been fostered both in Israel and Judah that YHVH who had been with them in their conquest of Canaan would never permit the heathen to destroy their kingdoms, force their people into exile, and allow His sanctuaries, upon which His name was called, to be laid in ruins. But all this did happen! Why? Had YHVH forsaken them? Is He perhaps powerless? Or have they perhaps misread the promise that was made to their ancestors? Their kings and their princes had clearly misled them. What of the men of YHVH, His prophets? They *did* warn them innumerable times. They *did* foretell disaster if the people did not return to the Torah of YHVH. What will these prophets say now? Will they glory in their personal vindication? And are they, the people, doomed forever? Have the sins of their fathers condemned them everlastingly? "Our fathers sinned, and are no more; but we must bear their iniquities" (Lam. 5:7).

Fortunately, those who had clung to the Torah of Moses with undeviating loyalty were not dismayed. They had been convinced right along that the course which the leaders of the nation were pursuing would lead inevitably to disaster. They were not very much shaken by the destruction of the Temple. They never regarded it as essential to the worship of YHVH. They *never* approved its sacrificial cult and its elaborate hierarchy of priests and functionaries. Jeremiah, as well as other prophets, had cautioned the people not to put their trust in the Temple, and had denounced it as a den of robbers. The YHVH loyalists now saw an opportunity for a spiritual renewal in the chastened mood of the people. Amid the ruins of national disaster, they therefore proclaimed with increased fervor their deathless faith in YHVH, who forgives the iniquity of His children, who does not visit the sins of the fathers upon the children, who does not need a Temple for His dwelling place, and does not require altars and sacrifices for His worship.

The people should not despair. Rather, now was the time to make a new start, to return to the cleanness and the beauty of the pristine faith which once made them invincible. They did not need Temple and sacrifices then; they do not need them now, for "Heaven is my throne and the earth is my footstool; what is the house which you would build for me, and what is the place of my rest?" As for sacrifices, "He who slaughters an ox is like him who kills a man; he who sacrifices a lamb, like him who breaks a dog's neck; he who presents a cereal offering, like him who offers swine's blood; he who makes a memorial offering of frankincense, like him who blesses an idol." YHVH pays no heed to temples of stone or altars of brass, but to the "humble and the contrite in spirit who stands in awe of My Word" (Isa. 66:1-3).

The loyal Yahvists also glimpsed new horizons for their faith. Israel, chastened and humbled and, by suffering, purged of all dross and made strong, may now become the chosen servant of the Word, the faithful messenger of YHVH's law to all the nations of the earth, "to open the eyes that are blind, to bring out the prisoners from the dungeon, from the prison those who sit in darkness" (Isa. 42:7). The inspired hope of Moses that Israel might become "a kingdom of priests and a holy nation," may now be realized, but on a much larger, indeed on a world, stage. Israel's mission may now be to establish "justice in the earth, and distant isles wait for his Torah" (Isa. 42:4). The Yahvist was now filled with a new purpose. He had discovered a new direction for his people which was no longer geographically centered but scattered throughout a world empire of many peoples and religions. To survive, Israel must rely now more than ever before upon the uniqueness and excellence of its faith and in the triumph of that faith to find its own immortality.

There were among the exiles in Babylon, patriots who reacted—quite normally, let it be said—to the tragedy which befell their nation. Their reaction was one of bitterness and execration toward their tormentors. They hoped for the day when the same cruel fate would overtake them and the children of Eden who rejoiced in Judah's downfall. By the rivers of Babylon they vowed their undying allegiance to Jerusalem. Their strength and their national pride remained unbroken.

But how could they sing the song of YHVH in a foreign land? (Ps. 137). How could the faith of Judah ever thrive on alien soil?

But there were other exiles who felt that they could sing and would sing the song of YHVH—a proud, confident, and exultant song—on alien soil, in the very presence of their captors. The loyal Yahvists knew that their God had not forsaken them in their exile. They knew that He was near unto all men everywhere who call upon Him in truth. Their song would be not of vengeance or retribution, but of hope for Israel and for mankind. Its exultant theme would be how to set the right in the earth (Isa. 42:3-4), under the sovereignty of YHVH, the First and the Last, beside whom there is no God.



This was now Israel's task, they maintained, to wait confidently for the approaching hour when "nations shall come to your light, and kings to the brightness of your rising" (Isa. 60:3), and to work zealously to hasten that hour. The road from Sinai had led to Zion and now from Zion it must lead along all the highways of the world: "that men may know, from the rising of the sun and from the west, that there is none besides me; I am YHVH and there is no other" (Isa. 45:6).

In the ever widening Diaspora which the successive deportations of Israelites and Judeans had created, the loyal Yahvist saw the opportunity "to tell YHVH's glory among the nations." He now undertook "to sing praises to Him among the nations" (Ps. 57:9), in the hope that when YHVH's way became known to them—how He judges peoples with equity and how He guides the nations of the earth—they, in turn, would praise Him, and all the ends of the earth would revere Him (Ps. 67). The hope of converting the whole world to the worship of YHVH now became the "new song" on the lips of the Yahvist.

"Sing to YHVH, all the earth! 3  
Sing to YHVH, bless his name; . . .  
Declare his glory among the nations,  
His marvelous works among all the peoples! . . .  
For all the gods of the people are idols;  
But YHVH made the heavens. . . .  
Ascribe to YHVH, O families of the people,  
Ascribe to YHVH glory and strength! . . ."  
(Psalm 96)

Yahvism now enters upon its world-conquering mission. The spiritual offensive begins.

The same Yahvist prophet who joyously hailed Cyrus, the Persian, the conqueror of Babylon and called him the anointed of YHVH, whose right hand YHVH had grasped to subdue nations before Him, proclaims in the same breath his thoroughgoing opposition to the religion of Cyrus (or Darius)—Zoroastrianism—a religion which is based on a cosmic dualism, a god of darkness and evil and a god of goodness and light. "I am YHVH, and there is no other, besides me there is no God; . . . I form light and create darkness, I make peace and create evil, I am YHVH, who do all these things" (Isa. 45:5-7). The dogma of Yahvism is uncompromising, even toward a quasi-monotheistic and friendly faith like Zoroastrianism. Throughout the subsequent centuries of the Second Commonwealth, Yahvism will confront other great religions and systems of religious and ethico-philosophic thought with the same unyielding firmness.

The movement to bring the world to YHVH must have begun soon after the dispersion. Deutero-Isaiah already addressed himself to the foreigners who joined themselves to YHVH and promised them full communion in the household of Israel, and a joyful reception in YHVH's sanctuary which shall be called a house of prayer for all peoples (Isa. 56:3-7). Zechariah, whose prophetic career coincided with the return of the exiles under Zerubbabel and the rebuilding of the Temple (c. 520 B.C.E.) speaks in confidence of the approaching day when "many nations shall join themselves to YHVH . . . and shall be my people" (Zech. 2:11). "Many peoples and strong nations shall come to seek YHVH of hosts in Jerusalem, and to entreat the favor of YHVH. . . . In those days ten men from the nations of every tongue shall take hold of the robe of a Jew, saying, 'Let us go with you' " (Zech. 8:22-23). The prophet Malachi is greatly impressed with the high esteem in which YHVH is already held in many parts of the world: "For from the rising of the sun to its setting my name is great among the nations, and in every place incense is offered to my name, and a pure offering; for my name is great among the nations, says YHVH of hosts" (Mal. 1:11). To the same age probably belong the superb vision of "the end of days" which is included in both the Book of Isaiah (2:2-4) and Micah (4:1-4): ". . . many peoples shall come, and say: 'Come, let us go up to the mountain of YHVH, to the house of the God of Jacob; that he may teach us his ways and that we may walk in his paths' "

The movement to convert the world was to gain momentum in the following centuries, especially in the Hellenistic period when Yahvism felt itself raised and challenged again as it had not been since pre-exilic times. With renewed vigor it reasserted its uncompromising faith in the face of the false philosophies and cultural allurements which threatened its way of life. The Hebraic spirit and its ethico-religious culture reached out to reshape the world, but not through military conquest as Alexander the Great sought to do, and to a degree succeeded in doing. Proselytes, and semiproselytes who adopted the tenets and worship of YHVH without formal conversion and without becoming members of the Jewish nation, were to increase in number, in some generations and in some countries more than in others. Especially does the literature which developed in the circles of the Hasidim and which retained the universal sweep and moral fervor of prophetic Yahvism dwell upon the theme of the conversion of mankind. The Book of Enoch, which is quoted reverently by the authors of the Testaments of the Twelve Patriarchs and the Book of Jubilees, both of the second century B.C.E., speaks of the time when "all the children of men shall become righteous and all nations shall offer adoration and shall praise Me, and all shall worship Me" (Enoch 10:21; see also 90:30, 33).

Following the Maccabean victories, the confident hosts of YHVH marched forth in might on their mission to win the world to His worship. The Hasmonean rulers, John Hyrcanus, Aristobulus, and Alexander Janneus even resorted to forcible conversion of some of their conquered peoples, an act which was condemned by the Pharisaic leaders of the people. The crest of the movement was reached toward the close of the Second Commonwealth and in the early years of the common era, when a very active and successful proselytizing propaganda was carried on throughout the Roman Empire, and a missionary literature, such as the Jewish "Sibylline Oracles," was produced.

Christianity was a phase of this intensive Yahvist proselytizing movement. The messianic motif which was at its core and its relinquishment of the traditional requirements for formal conversion enabled it to make more rapid headway. Thus the original Torah of Moses, through the channel of a Jewish messianic movement, moved militantly out into the western world. It was not the pristine Torah of Moses, to be sure. Many apocalyptic elements were now combined with it, elements which would have been utterly strange to Moses—Messiah, vicarious atonement, the God incarnate, resurrection—even as many of the legal "fences" which the Scribes and Pharisees had built around his Torah would have appeared strange to him. But the ethical and spiritual teachings of Jesus as expressed in the Sermon on the Mount—which do not constitute, of course, the *theology* of Christianity—are identical in content and spirit with the original Torah of Moses, except as to their doctrines of non-resistance and other-worldliness. Jesus himself summed up his



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teachings (Matt. 22:34-40) by quoting two commandments of the Torah of Moses, "You shall love YHVH your God with all your heart, and with all your soul, and with all your mind" (Deut. 6:5) and "You shall love your neighbor as yourself" (Lev. 19:18). Thus, through Christianity, Yahvism, in another garb to be sure, advanced to new frontiers. The loyal Yahvists, who would not adopt the new garb, and who remained undeviatingly faithful to the original Torah of Moses, continued on their own way through history.

But all this was for a time far off, and for many days hence.

But in the meantime—the sixth century, the time of exile and desolation—what? For the present—faith and patience! After the first Judean exile (597 B.C.E.) when King Jeoiachin, along with many others of the people, princes, elders, priests and prophets, craftsmen and smiths, had been taken to Babylon, Jeremiah dispatched a letter to them in which he transmitted the Word of YHVH: "Build houses and live in them; plant gardens and eat their produce. Take wives and have sons and daughters; . . . multiply there, and do not decrease. But seek the welfare of the city where I have sent you into exile, and pray to YHVH on its behalf, for in its welfare you will find your welfare. . . . For I know the plan: I have for you, says YHVH, plans for welfare and not for evil, to give you a future and a hope" (Jer. 29:5 ff.). The people have already fully atoned for their sins and they have received from YHVH double for all their sins, was the message of Deutero-Isaiah to the exiles (Isa. 40:2). The time of grace has now come and of good tidings. The "dried bones" will live again, for YHVH will put His spirit within them and they shall live (Ezek. 37), was the confident and comforting message of Ezekiel.

There were many who believed, where previously they had doubted, and many who returned, who had strayed far away.

The fall of Babylon (539 B.C.E.), whose religion was steeped in the idolatries which the pre-exilic prophets had so vehemently denounced, and the rise to world power of Persia, whose Zoroastrian religion, a religion without temples, altars, statues, and animal sacrifices, coincided in many ways with Israel's fundamental faith, created a climate in which the champions of YHVH could proclaim even more confidently than ever before, the original Torah of Moses. Idolatry was now finally exorcised from the life and thought of the people. The prophets who prophesied in Judea in the last quarter of the sixth century, after the return of the exiles from Babylon, Haggai, Zechariah, and Malachi, no longer had to contend with idolatries and heathen practices among their people.

There was no longer any Baal or Asherah to wage war upon, no Moloch, no hieroduli, no worship of alien gods or graven images. An age and a religious culture had come to an end. The complex of pagan ideas, customs, and practices against which Yahvism had inveighed had definitely receded, never to regain its hold upon the people. To the extent that these idolatries and abominations had been the major target of its attack, Yahvism had triumphed. A new age had dawned and the Yahvist protagonist now concentrated on the faithful observance of the ethical precepts of the Torah of Moses, and on spreading its teachings everywhere.

Lacking political independence, Judea became increasingly theocratic in its organization. Its official religious life became largely, though by no means exclusively, centered in the Temple, priesthood, and the sacrificial cult. This was not, of course, what the original Torah of Moses had contemplated and what the true Yahvist sought. But even those who now urged the speedy rebuilding and completion of the Temple had in mind a Temple which would be free from all heathen symbols and practices.

What chiefly troubled the spiritual leaders in the generations immediately following the restoration, was the danger of assimilation and the total submergence of the young and struggling Judean community in the melee of non-Judeans of alien faith who had in large numbers infiltrated into Judea in the years following its downfall. "In those days," writes Nehemiah in his Memoirs, "I saw the Jews who had married women of Ashdod, Ammon, and Moab, that their children spoke the language of Ashdod, and they could not speak the language of Judah" (Neh. 13:23-4). The heart of the new covenant which the people now solemnly entered into, under the leadership of Ezra, was an undertaking to separate themselves from the alien peoples who had entered the land, and from their foreign wives (Ezra 9-10). Strict endogamy was resorted to as an extreme measure to safeguard their identity and protect the purity of their faith.

They also set about reorganizing the administration of the rebuilt Temple, and to provide for its maintenance through the people's offerings of sacrifices, first-fruits, and tithes. The sanctity of the Sabbath, foremost among the institutions of the religion of YHVH since the days of Moses, which had been ignored during the chaotic conditions that followed the destruction of the state and the Temple, had to be firmly reestablished in popular observance (Neh. 13:15). So also the great festivals of the pilgrimage and the ancient law of Shemittah, the seventh year of rest for the soil and release from debt. The man who governed Judea for twelve years, Nehemiah, wrote that he discovered many economic abuses among the people which had to be corrected, such as unjust debts, resulting in slavery, and the exaction of usury.

But alongside the Temple there now came into coexistence, as it were, two other institutions which were destined to influence Jewish religious life tremendously. They followed independent lines of their own and succeeded far more than the Temple and its cultus in preserving and advancing the religion of Moses.

The returning exiles, from the sixth century onward, brought back with them a new reverence and loyalty for the Torah of YHVH. In exile, where they had been deprived of Temple and cult and where the fabric of their world seemed to have dissolved, their spiritual life found anchorage at last in the Torah of YHVH. To it many turned as to a welcome refuge in the storms and dangers of their lives. They studied it reverently, eagerly, lovingly. They copied it affectionately. Now the Torah no longer wore for them the severe, threatening aspect of those sinful days when the prophets spoke of the wrath which was to come because the people had forsaken it. It was no longer conceived of as something minatory and menacing. The Torah of YHVH was now beautiful, desirable, refreshing the soul. *It was hypostatized into a living and beloved Form* and an invisible crown was placed upon it—the crown of the Torah. Fidelity to it was a privilege and a great delight. A devotion bordering on adoration of the Book of the Torah emerged as a new phenomenon in the religion of Israel after the exile. Men, known as *Sopherim*, scribes, dedicated themselves to its teaching and dissemination. Later on, the spiritual guides of Judaism were to turn to it as to a living source and find in it whatever was needed for the unfolding and changing needs of their lives. These men were to interpret the Torah, wherein, they believed, all was contained though not all was expressed. They would develop a way of life for their people, an Halacha—which was to survive Temple and cult and a much longer and wider dispersion.