

CHAPTER TWENTY
SECOND KINGS 22 AND NEHEMIAH 8-10

We conclude our survey with a short discussion of the critical view of the narrative found in these chapters. After all that has been said, we may approach them without any prepossession, and consider them as mere historical records, which have to be interpreted in their own light.

Our criticism of the *pia fraus* theory imposed on 2 Kings 22 is the following: —

1. According to the critics, the forgery of the Deuteronomic Code was a skillful stroke of policy, to which a despondent reform-party resorted as the only means of reaching its ends. It had failed in the days of Hezekiah, and its failure was a defeat. The terms in which Kuenen speaks of the situation, imply that the party-lines must have been sharply drawn. There was an opposition to the centralizing Mosaic tendency; and it was strong, influential, and fully on its guard against every movement of the latter. Notwithstanding this, the bare assertion of the reformers, that their program was of Mosaic origin, sufficed to silence all these opponents, many of whom were doubtless reduced to poverty and disgrace, or even exposed to death by the intended reform. No trace of resistance is discovered: all the people stood to the Covenant. We cannot but observe that all this does not resemble the usual execution of a *coup d'état*. For this sudden change in the relation of the parties, Dr. Kuenen gives no other reason than what might be called an appeal to the maxim, "*Cujus regio, illius religio.*" The regal power was in the East and in Judah unlimited. The majority of the people complied with the will and command of their princes. How utterly inadequate such general phrases are to explain the pretended situation, will not escape any thoughtful observer of the facts.

2. It is improbable, if the so-called Mosaic party stood in favor with the king, and if the forgery was perpetrated within the very circle aspiring to such favor, and relying upon it for future success, that the author or authors would have extended their threatenings to the monarch himself in such a way as is here done (Deut. 28:36).

3. If the chief or only ends which the forgers had in view were abolition of idolatry and Bamoth-worship, it is hard to see why they put themselves to the unnecessary trouble of writing a whole Code, containing numerous laws which served no present purpose whatever.

4. It should also be remembered, that the practice of forgery, as it is now claimed by the critics for the origin of Deuteronomy and the Priest Code, stands unparalleled in the whole domain of Old-Testament literature. The Pseudepigraphae are all of later date, and without exception owe their origin to far lower tendencies than we are warranted to ascribe to the Mosaic party of King Josiah's time.

We now turn to Neh. 8-10. The credibility of these chapters was at first doubted by Dr. Kuenen in 1861. Afterwards, in 1870, he retracted these doubts; since his whole hypothesis respecting the origin of the Priest Code was based on the facts which they contain. The two important and decisive questions to be answered here are, —

1. What portion of the Pentateuch did the law read by Ezra comprehend?

2. What inferences may be drawn from Ezra's knowledge and the people's ignorance of this law?

To the first question, critics have but one answer. Unanimously they declared the book of the law to have been the priestly legislation. To prove this, they commonly refer to what is said regarding the feast of tabernacles. We must remark, however, that this is far from settling the point in dispute. That Lev. 23 belonged to the law that was read, by no means shows that the Priest Code alone constituted this law. So far from this being the case, there are several reasons which forbid us to assume it.

1. The reading was continued for at least ten days, and the first day for six hours. The terms seem to imply that this reading was not a mere rehearsal of what had been read before. It is, then, necessary to assume that the law-book was more comprehensive than Leviticus. When we remember that the Deuteronomic Code was read before the king and the people at one time, this conclusion will appear all the more necessary.

2. The reading of the law seems to have been in execution of the command, Deut. 31:11. Though Deuteronomy speaks only of each seventh year, we can easily conceive that the first opportunity to comply with the newly published command was eagerly seized upon. From Neh. 10:31, it appears that hitherto the Year of Jubilee had not been observed. It was therefore necessary to compute the seven years from the publication of the law onward; and thus the current year became, *ipso facto*, a Sabbath-year, which required the reading of the law. We conclude that not only the Priest Code, but also the Deuteronomic law, was read.

3. Evidently the confession made by the Levites on the twenty-fourth day of the month, contained in chap. 9, is in substance and form the echo of the frequent and diligent study of the newly published law during the three previous weeks. Its contents furnish the best means of identifying the law referred to. Now, a careful examination will convince us that this confession is full of reminiscences, not only of the Elohist narrative, but just as well of that of the Jehovist and of Deuteronomy.

4. The promises made by the people are characteristic of the Jehovistic and Deuteronomic law. As such we note the promise not to intermarry with strange nations (Neh. 10:30; Exod. 34:16; Deut. 7:3), the promise to intermit the exaction of debts every seventh year (ver. 31; Deut. 15:2), the promise to offer the corn, the new wine, and oil (ver. 37, 39; Deut. 12:17).

All these considerations favor the view, that Ezra did not publish the Priest Code merely, but the whole Mosaic Thora, Elohist and Jehovist and Deuteronomist. The historical credibility of the narrative cannot be doubted. The confession, as reported in chap. 9, must be authentic. In denying it, the critics would destroy the only basis on which they rest their theory of the Ezraic origin of the Priest Code.

Let us now consider the second question. What are we to hold respecting Ezra's relation to the law, which he is said to have read before the people?

It has become almost an axiom with the latest critics, that Ezra was, if not the author, at least the redactor, of the Elohist legislation. "The law of God was in his hand" (Ezra 7:14) when he went

to Jerusalem, in the year 458 B.C. Between this date and the return under Zerubbabel and Joshua, 536 B.C., lies a period of nearly eighty years, concerning whose history, as far as the remaining exiles are concerned, we know absolutely nothing. This utter ignorance has afforded the critics a splendid chance to spin out their famous theory of the gradual origin of the Priest Code. Where history has left no record, conjectural criticism has not only free play, but seems to a certain extent justified and commendable.

The starting-point is Ezekiel's program. Kuenen and others are candid enough to admit that his work is no just exponent of the general sentiment prevailing among the exiles. In his time his figure is unique. So far as Ezekiel's testimony goes, the people of his day were by no means the priestly Israel which the prophet describes in his visionary Thora. We have no ground to assume, that, besides him, others were occupied with the elaboration of a ritualistic system. In his own words (specially chap. 20), his priestly character stands out in bold contrast with the indifference or anti-Jahvistic tendencies of the mass. Even the following generation seems not to have been influenced by his Thora, as no traces of an attempt to execute it appear. We believe that the Book of Ezekiel, as a whole, does not give the impression that the exiles troubled themselves in Babylon with writing priestly law.

Far less can the theory find support in the writings of the pretended Deutero-Isaiah. If he wrote immediately before the capture of Babylon by Cyrus, we have but one explicit testimony the more, that, among the best elements of the captivity, no such priestly tendencies prevailed. Deutero-Isaiah speaks "like one of the old prophets," if not actually, still seemingly opposed to all ritualism. Isa. 58 is decisive in this respect.

Neither does it appear that special stress was laid on the priestly ceremonial side of their religion by the exiles who returned in 536. We need not assume that intentional disobedience prevailed at the beginning, but that soon a lack of zeal manifested itself may be seen from Haggai and Zechariah. How much Ezra and Nehemiah found to reform afterwards, is abundantly known. Surely, if such an attachment to the temple-service and the ceremonial side of the national life had existed among the exiles in Babylon, as could produce a lively interest in the law, even as to its theoretical aspects, we may take for granted that the history of the new colony would have shaped itself differently.

These are positively all the data from which we can obtain any *a priori* information as to the eight decades which, according to many critics at present, enclose the mysterious birth of a whole legal system in their unknown and ever unknowable history. *A posteriori* there is but a single fact which gives us a glimpse into the dark past, — the fact that Ezra came from Babylon, with the law in his hand, as the ready scribe, evidently with the purpose to instruct his countrymen, and revive their zeal for the work of God amongst them.

A correct estimate of these historical data will immediately show whether the view, that during these eighty years the Priest Code was framed, deserves to be put on the list of plausible theories, or under the head of "legal fictions," fanciful and arbitrary alike.

Notwithstanding our utter lack of historical information, Kuenen, Wellhausen, and Reuss undertake to tell us how within its limits the priestly laws successively made their appearance. There was first the so-called "Law of Holiness," comprising Lev. 17-26. Next comes a group consisting of Exod. 12, 25-

31, Lev. 1-17, 24, 27, and most of the priestly portions in Numbers. From both is still distinguished a third group containing later additions.

1. To this whole scheme we must, first of all, object the lack of all positive evidence, that the work of codifying ritual law was carried on in Babylon on such a grand scale. Where do the least traces appear in Ezekiel, Deutero-Isaiah, Haggai, Zechariah, the Book of Ezra, and of Nehemiah, we do not say of the completion of the process (for this simply begs the whole question), but of the tendencies that originated or the influences that favored and ripened it?

But more than this. If we realize the situation well, we cannot but doubt the critics' assumption, that in the circles that remained at Babylon when the first colony set out for Jerusalem, there was enough of productive energy to create all at once what centuries had not been able to produce when the nation was still prosperous and independent, and the temple-service flourishing and in high esteem.

First of all, the better element must have joined Zerubbabel and Joshua. Those who remained were certainly the least influenced by theocratic concern in the restoration of the temple-worship and the repossession of the holy city. Ezra 1:5 states that those whose spirit God had raised, went up to build the house of the Lord. The rest seem to have been on the whole indifferent, and to have preferred the riches of Babylon to the wants and dangers of the little caravan that set its face towards Jerusalem.

Secondly, the majority of the priesthood returned, and comparatively a small number of priests remained in Babylon. The priests were least of all likely to prefer captivity in a polluted land to a relative freedom in the holy city. And what adds a decisive weight to this, is the fact that not less than four thousand priests joined the expedition of Zerubbabel; and with Ezra there went only two priestly families, which cannot have been very numerous (Ezra 8:2).

We have the indisputable facts that the theocratic element left Babylon, and that amongst the worldly remnant, there was only a comparatively small number of priests, and these so indifferent to the land and people of God, that only two of their families were induced to return under Ezra's protection.

Now, the critics wish us to believe two facts which strangely contrast with the two we have just stated: 1. That among the better element, which rebuilt Jerusalem and the temple, and restored its service, there was a development for the worse in an anti-theocratic direction. 2. That among the remnant in Babylon, who had no temple amongst them, and evidently no intentions of ever returning, there was such an interest awakened in the temple-service, that a long literary activity ensued, which resulted in the production of a complete elaborated Code, called by the modern critics the Priest Code.

This demand upon our credulity is most unreasonable. The view contradicts all historic probability. That it is so boldly and persistently maintained, is due to the fact, that, where historical records fail, critical ingenuity is at liberty to fill up the blank with any picture of the imagination whatever.

Dr. Kuenen has felt this difficulty very seriously. He tries to remove it in his own peculiar way, by a number of considerations, which would have force to convince us if we could grant the premises on which they rest. That the Jews were eagerly looking for a future, more favorable, occasion to return,

we will have to believe when it is proved. Why had they not joined the expedition which departed under such auspicious circumstances, with the favor and protection of Cyrus, in direct fulfillment of ancient prophecies, those of Jeremiah at least, to leave Deutero-Isaiah out of view? That they were desirous of religious instruction, may be admitted in a general sense; but their attitude does not exhibit interest in that aspect of the Jewish religion which was inseparable from the sanctuary. When afterwards men like Ezra and Nehemiah arose amongst them, their character was not the fruit of the natural state of affairs, but rather a new factor introduced by a special divine intervention to provide for a special need of God's people. The inferences which Kuenen draws from Zech. 6:9-15 are entirely too sweeping. That a few men had come from Babylon, whose arrival is evidently stated as an exceptional case, cannot be made to prove that the great body of the exiles entertained a lively interest in what happened at Jerusalem.

The main objection against the whole scheme lies in its impracticability. Here, as in the case of Deuteronomy, the question recurs, What made it necessary for Ezra to ascribe his laws to Moses? What accounts for the element of fraud entering this piece of Jewish legislation also, as we are asked to believe?

Critics answer, when Ezra arrived at Jerusalem, he found the colonists far below his ideal of righteous Israelites. After a first successful attempt at reform, Ezra is silent for thirteen years. The reasons for this interruption were chiefly twofold. 1. He saw the necessity of adapting his law, formed in Babylon, to the circumstances of the people. 2. He must have met already in his first reform, as well as afterwards, with a strong and influential opposition, as appears from Neh. 13 and Malachi's prophecy. It was in part the zealous spirit, which both Ezra and Nehemiah manifested, partly more material objections against their innovations, which led to this resistance. The reform involved a limitation of liberty, imposed heavy duties upon the laymen, and on the whole showed a decidedly hierarchical tendency. On the other hand, it bound the priests themselves henceforward to a written word, and thus essentially modified their position. Such a radical revolution did not fail to cause a strong reaction, both from among the people and the priesthood. Hence the claim of Mosaic origin for the Code was absolutely necessary to the success of Ezra's plans.

So we meet here again with the same remarkable phenomena as in the case of Deuteronomy. There it was "the people stood to the Covenant." Here they make a sure covenant, write it, and seal unto it (Neh. 9:38). And in both cases alike the opposition is silent, no word of resistance is uttered, no murmuring or dissenting voice heard. The question recurs here as there: How was this possible, if Ezra's Thora was a mere fiction? If it was genuine and Mosaic, we can understand why the opponents desisted. But suppose them to have been fully on their guard, to have watched Ezra's every movement, to have kept him in suspense for thirteen years, and then finally to have accepted in the most meek and submissive way the most radical changes, contrary to their own opinions and interests, simply because Ezra pretended that his law was Mosaic!

The story sounds incredible, and still we must believe it if the critics are right. We can the less conceive that the opponents were misled on this occasion by the appearances, since, as we have seen, the Priest Code was already combined with the Jehovistic and Deuteronomic laws, and was read together with them. What appears as an addition, and in so far modifies the old, is, *per se*, exposed to suspicion. Still, Ezra's Code was not suspected: the people made a sure covenant, and sealed unto

it.

It would certainly seem safer, in view of all these impossibilities, to adhere to the old notion, be it traditional or not, that Ezra published the Thora in no other capacity than that of a ready scribe, who had prepared his heart to seek the law of the Lord, and to do it, and to teach in Israel statutes and judgments; that he did this at a special occasion of the feast of trumpets, at a special request of the people, who expressed by this desire their gratitude for the final completion of the walls of Jerusalem under the supervision of Nehemiah.